6-1-2012

Journalism Students as Community News Providers: Three Case Studies and An Analysis of Intellectual Property Issues Related to Student-Created Content

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June 1, 2012

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Introduction

So many news outlets; so little news.

That could be the headline for the Federal Communications Commission's 2011 report *The Information Needs of Communities* by Steven Waldman, which describes in detail the landscape of commercial and nonprofit media and the regulatory landscape in which they operate. The digital revolution has spawned a proliferation of online sources of information, but Waldman's research documents a concomitant decline in news reporting, particularly that pertaining to state and local governments.

Citing numerous previous analyses and case studies, the report summarizes the evidence:

- In just four years, from 2006 to 2010, the workforce in daily newspaper newsrooms dropped by nearly 25 percent to 4l,600, which was roughly the size of the daily newsroom workforce before Watergate (40).
- Statehouse news bureaus have shrunk, by one estimate by as much as one-third, with more than 50 newspapers nationally terminating statehouse coverage altogether between 2003 and 2009, according to data compiled by the *American Journalism Review* (44-45).
- The number of regional reporters working in Washington also has shrunk, with more than half of the states now having no reporter in the nation's capital (50).

The FCC report quotes Bill Girdner, owner and editor of a California wire service that covers legal issues, who explains succinctly why all of this matters. When journalists aren't present, he said, "others control the information process" (48).

The FCC report contains a plethora of recommendations, but of particular interest to journalism educators is its endorsement of the idea that journalism schools should take a more active role in producing journalism for their communities (355). To that end, Part I of this

document reports on the results of research conducted under a Knight Foundation grant to examine efforts by journalism classes at the University of Nebraska-Lincoln to provide news content for specific audiences, particularly those that historically have been underserved. A companion grant to the University of Texas at Austin supported research on similar J-school community news efforts in Texas. Additionally, Part II of this report, supported by the Knight Foundation grant, is an examination of intellectual property issues related to having students provide community news. John Bender, a professor in the UNL College of Journalism and Mass Communications, explores copyright and public records issues as they pertain to student-created news content and also comments on whether establishing such news-generating projects as 501(c)3 entities has merit.

The idea that journalism schools can and should be engaged in providing community news is not a new one. The FCC report describes numerous such efforts, some of which have been ongoing for decades, largely in urban settings on the east and west coasts (194-196). But these reports, focusing on efforts in Nebraska and Texas, will add new dimensions to the discussion. Specifically, the UNL community news efforts shed light on serving the unique needs of the underserved refugee and rural communities, particularly those with weekly newspapers, which are not addressed in the FCC report. The three case studies examined in this report are:

- Nebraska Mosaic, News and Information for Lincoln's New Americans. This website, cojmc.unl.edu/mosaic/, aims to reach Lincoln's refugees and the broader community with stories about refugees and their experiences. It also aims to provide opportunities for refugees to contribute their own stories and to learn more about navigating their new environment.

- Nebraska News Service. This news bureau provides state government news coverage to small dailies and weeklies throughout the state and to about a dozen radio and television stations.
- UNL-Seward County Independent partnership. For nearly three decades, students from UNL summer school reporting classes have worked at the weekly Seward County Independent as part of their course, providing Fourth of July coverage and special projects that the four-person editorial staff of this community newspaper otherwise would not have time to accomplish.

This report offers a detailed examination of each project, describing the origins of each one, how it works and how its stakeholders see it. It also attempts to assess these projects in connection with the FCC report's recommendations and addresses questions of the long-term sustainability of efforts like these to fill the community news gap.

Finally, this report offers some observations about possible best practices that seem to have evolved from these projects or, at the very least, pitfalls to avoid. Journalism programs interested in embarking on community news operations may wish to consider some of these common threads and practical ideas. Expanding research on these kinds of operations at other schools in other regions also may prove fruitful as a way to compile lessons learned so journalism educators more broadly could benefit.

Part I: The Case Studies

Methodology

The three case studies reported here are based on two dozen interviews with a wide variety of stakeholders reflecting various aspects of each of the projects. The interviews sought to explore the following themes:

- The extent to which stakeholders perceive a need for increased news coverage
- Specific details of how each project was started and how it operates
- Whether the content being produced appears to meet perceived needs
- Stumbling blocks the projects have encountered
- What it would take to make the projects more successful

Graduate student Charlie Litton conducted all of the interviews from February through April 2012, and all were either audio or video recorded. Interviews were either face-to-face or by telephone in circumstances when face-to-face interviews were impossible. Many of the interviews conducted for the Nebraska News Service case study took place during the Nebraska Press Association's annual spring conference, which several hundred editors and publishers attend. Litton was able to arrange individual interviews with editors who subscribe to the Nebraska News Service while they were attending the conference. His interview schedule also took him to several communities around the state to visit editors and other stakeholders. A list of the interviewees and the time and location of each interview appears as an appendix to this report. All direct quotes and paraphrased information attributed to specific interviewees are taken from the interviews unless otherwise noted.

No attempt was made to locate and interview systematically any of the students who have participated in these community news projects, and indeed, the FCC report does not directly address the impact on students from participating in such projects. Most published discussions of

J-schools as community news providers assume a positive impact on student learning, but the views of some of the faculty members interviewed for this report raise questions about the educational merit of these programs. So the educational value of these efforts should be analyzed more systematically than is done here as journalism programs seek to embark on similar efforts. Likewise, these case studies do not attempt to determine in any systematic way the impact of these projects on their intended audiences, a research task that at best is problematic in any case. Nonetheless, the stakeholder interviews contain significant anecdotal evidence that suggest what kind of impact these projects have had.

[Author's note: Litton served as a graduate student assistant and a class member for the Mosaic project and also was a reporter for the Nebraska News Service. Additionally, I have taught the Seward summer school class since 2000 and also serve as NNS bureau chief. We both have an insider's advantage or disadvantage in conducting this qualitative research, depending on one's point of view. But as journalists trained to be skeptical, I believe we have brought an analytical mind to bear in distancing ourselves from our own experiences and examining what our sources told us about these three community news projects. Readers, of course, are free to come to their own conclusions.]

Mosaic: News and Information for Lincoln's New Americans

How it got started; how it works

No one knows how many refugees live in Lincoln. Or in Nebraska, for that matter. But the federal Office of Refugee Resettlement reports than since 2000, some 6,100 refugees have been resettled in the Cornhusker State. Last year alone, 738 refugees from 13 countries found new homes in Nebraska, whose total population is about 1.8 million. Refugee resettlement nationally dipped dramatically after 9/11, but the numbers have been growing, and Lincoln has resumed its historic role as a refugee resettlement community, largely because of the low cost of housing and low unemployment that makes it easier for newcomers to get a foothold. While federal data account for the states where refugees are initially settled, no one tracks what happens to them thereafter. Refugees, like most residents of the United States, are free to pick up and move. They hear of better jobs or better weather or bigger communities of their fellow countrymen and pull up stakes for a new home. It's this secondary migration that makes it difficult to know precisely how many people in any given community could be classified as refugees.

In Lincoln, Nebraska, population 258,379**,** another way to look at the refugee population is to consider the Lincoln Public Schools' English Language Learner program. In the 2011-12 school year, the district served 2,212 English language learners, who spoke a total of 56 languages other than English. Twenty years ago, the program served just 388 students. And a school official who has been with the district for 30 years recalled that in those days, non-English speakers almost exclusively spoke Vietnamese or Cambodian, a reflection of post-Vietnam refugee resettlement. While Spanish is now the most common non-English home language of Lincoln ELL students, most of the children who speak Spanish are likely

immigrants, according to school officials, while those who speak Arabic, Karen or Vietnamese, for example, are likely refugees or the children of refugees. (For more information on refugee numbers in Nebraska see "Just how many refugees are there in Nebraska?" by Emily Nohr at Nebraska Mosaic, cojmc.unl.edu/mosaic/).

In the fall of 2010, the UNL College of Journalism and Mass Communications set out to reach three groups of these hard-to-count refugees with a $25,000 grant from J-Lab: The Institute for Interactive Journalism at American University. The idea was to create sources of news and information for communities that either had lost their voices or never had one. While most grantees defined community in terms of geography, the UNL grant focused on three communities of refugees new to Lincoln: Iraqis, Sudanese and Karen, a beleaguered Christian ethnic minority largely from Burma and Thailand. In 2011, the Lincoln Community Foundation was awarded a $24,000 grant for the project from the Knight Community Information Challenge, which the foundation matched with $24,000. The first grant was used to fund initial research, buy video and audio equipment, pay for website development and cover various miscellaneous expenses. The second grant is being used to take the project out into the community, including work with a family literacy class at an elementary school and to pay refugees to produce stories for the website.

The project grew out of a fall 2009 multimedia journalism class that associate professor Tim Anderson taught with another faculty member in which they assigned their students to read Mary Pipher's book "The Middle of Everywhere: The World's Refugees Come to Our Town." The book documents the lives of refugees from all over the world who have made Lincoln their home. Students in the multimedia class were expected to devote half of their assignments to

stories related to immigrants and refugees. So many engaging stories emerged that Anderson was convinced more could be done.

The following spring, when J-Lab announced its New Voices grant competition, Anderson and several other UNL journalism faculty members started brainstorming ideas and settled on a proposal to focus on immigrants and refugees. Anderson said J-Lab liked the idea but considered it too broad, so the planners suggested "refugee communities in Lincoln," which was again deemed too broad. Eventually the college suggested refugees from Iraq, Sudan and former Soviet bloc countries. Iraqi refugees began arriving in Lincoln in the aftermath of the first Gulf War, and the second wave of refugees continues today. Sudanese refugees have been in Lincoln longer than many other refugee groups, and Nebraska has more Sudanese refugees than any other state, with most of them living in Omaha. But refugees from the former Soviet bloc countries posed a number of problems. The planners heard anecdotal accounts of ethnic conflicts among various groups of those refugees and didn't want to have to deal with that complication as the project was getting underway. At the same time, the planners learned from representatives of a local government agency that works with refugees that a new group, the Karen, were beginning to arrive from Burma. The project planners were intrigued with the idea of focusing on a brand new refugee group alongside the Sudanese and Iraqis, who were more settled in Lincoln, so the Karen replaced the former Soviet bloc refugees as one of the three initial groups on which the project would focus.

While immigrants as well as refugees could be the audience for a website that offers "News and Information for Lincoln's New Americans," the project consciously started out focusing specifically on refugees, who are here not necessarily by choice. In some cases they

might prefer to be home with their families, but for most, even visiting their homeland would be perilous.

The project sought to identify the information needs of the three refugee groups and figure out how best to reach them and address those needs. To accomplish that, the college offered a cross-disciplinary course for advertising and journalism majors to lay the groundwork, largely through a series of focus groups, and their findings were not surprising. Refugees clearly are underserved by traditional media, which tend to focus on the invariably dramatic tales of refugees coming to the United States, if they cover refugees at all. But for their part, refugees aren't interested in those stories, which, to them, are all too familiar. Instead, the student researchers found, the refugees would really rather learn the basics about navigating their new home, stories local media seldom tell, but which historically have been the staples of the foreign language press once common in large urban centers. Indeed, that is also what the American penny press of the 1830s and 1840s did for rural Americans and immigrants arriving in cities. (See, for example, Karen Halttunen's "Confidence Men and Painted Women" and Michael Schudson's "Discovering the News.")

The research phase also identified unique information needs some refugees have. If, for example, you lived for decades in a dirt-floored refugee camp hut without running water, as did most of the Karen refugees, your information needs will include things like why sweeping the floor and discarding spoiled food from the refrigerator is a good idea now and then. An array of community agencies, many driven by volunteers, attempt to help meet refugees' needs, but access can by limited by the diffuse nature of the services. So one of the major goals of the Mosaic project became collating information about the various agencies and services available to assist the newcomers.

Language barriers and lack of computer savvy also make it difficult for refugees—and non-English-speaking immigrants, for that matter—to contend with the Department of Motor Vehicles, police and fire departments, and other commonplace American bureaucracies. Even the federal food stamp program, for which many refugees qualify, is accessible only through a daunting online application form written in English.

The student researchers found that people in the three refugee communities generally did not have easy access to computers or smart phone technology and that the best way to reach refugees was by radio, preferably in their native language. Despite the research findings, however, terms of the initial grant required Mosaic to create an English-language website to reach its target audience.

After the first semester's research phase that involved advertising as well as journalism students, subsequent semesters of the Mosaic class have exclusively enrolled journalism students, graduate as well as undergraduate. Beginning in October 2011, the students met once a week with refugee families participating in Arnold Elementary School's after-school Community Learning Center family literacy class, which proved to be a mutually beneficial opportunity for the students to break out of their comfort zone and for the refugees to practice their conversational English.

The public launch of the Mosaic website came on Nov. 3, 2011, with a program on the UNL campus that an estimated 50 people attended, including about a dozen Karen and Iraqi refugees. Promotional efforts since then have been limited to word of mouth, but visits to the site have grown steadily. Anderson, who teaches the Mosaic class and manages the site, reported the site had 1,500 views in January, 2,800 in February and 2,834 in March. On average, visitors spent 3.4 minutes on the site in January, compared to 5.39 minutes in March. Anderson plans to

embark on broader promotional efforts to reach Lincoln residents in general through avenues such as buying ads on city buses.

The website does, indeed, reflect the mosaic of newcomers who have made Lincoln their home, with stories, videos and photos about them and their experiences. By the end of May 2012, a total of 97 stories had been posted and the 22 videos on the site had received more than 1,400 views. Stories on the site profile several ethnic restaurants, explain how a Karen couple came to open an Asian food market, and describe experiences of refugees voting in their first American election. The website also includes a number of examples of the kind of information aimed at helping newcomers acclimate to the community and solve real problems. One story describes a training program for refugee and immigrant women who want to become licensed child care providers. Another describes training offered by StarTran, the local public transit service, to teach people how to use the bus system. Still another features a small business loan program for refugees started by a prominent retired Lincoln banker.

One Mosaic project resulted in two videos that explain how to prevent and treat bed bug infestations. The videos were produced in English and translated into Arabic, French, Burmese and Karen, using translators from the refugee community. French was chosen as a target language because most African refugees know either Arabic or French or both. Creating the bed bug videos was a complicated process because a sentence that might have taken eight seconds to read in English turned out to take 12 or 13 seconds in Arabic and 15 seconds in Burmese and Karen, which meant that the audio tracks couldn't just be swapped. Instead each video had to be recut specifically for each language.

Stakeholders' views: Pluses, minuses and academic considerations

In some respects, Mosaic is like any startup in the digital arena. As Anderson put it, you have to be willing to "fail early and often." Making a mistake with an online publication, he noted, isn't nearly as consequential as it might be for a print publication.

While "failure" would be an overstatement to describe some stakeholders' assessments, a number of shortcomings were identified, some of which are related to the peculiarity of being required by terms of a grant to create a website for audiences whose knowledge of and access to computers is limited. People who don't have computer access at home can use the Lincoln city library system's computers available for public use, but library hours may not always be convenient, and user time may be limited when many library patrons are waiting. Moreover, according to Liz Heusman, job training coordinator for the Center for People in Need, when refugees do use the Internet, they do so as a way to stay connected with their homeland, seeking news, pictures and other information from or about wherever they used to live. And they want it in their native language. "If they see it's in English, then they think it's not for them," Heusman said.

Faris Pirali, a Kurdish Iraqi refugee forced to leave his homeland because he worked with the U.S. military in Iraq, echoed Heusman's concern. Because the Mosaic site is in English, it contains little worth sharing. One exception, he noted, was the bed bug videos. He said he watched them not because he cared about bed bugs but because he saw there was an Arabic version. Heusman, too, cited the bed bug videos as one of the most successful Mosaic projects to date because they were available in Arabic, French, Burmese, and Karen, in addition to English. Language accessibility is significant, she said, because it "makes them feel a part of what's being offered."

An early version of the website included an automated translation feature, but Anderson said he wasn't satisfied with the results of the computer-generated translations and plans to address the language barrier in the coming year.

In addition to the language issues, Heusman suggested the stories on the site need to be simpler and more about basic needs, such as food, shelter, safety, jobs and transportation, again a reflection of the content typical of foreign language newspapers in American cities at the turn of the last century, when waves of European immigrants turned to newspapers in their native tongues to acclimate to their new home. Heusman also suggested more engaging photos of the refugees' home countries, which don't currently exist on the site. Her comments raise interesting questions about the nature of the refugees' experiences and the intended nature of the website. For example, are the newest refugees with the most to learn the most important target audience? And how would the length of time refugees have lived in Lincoln or their degree of acclimation to America affect their interest in the site?

Several stakeholders commented on the apparent lack of a marketing strategy for the Mosaic website, and some suggested that the early market research conducted by the advertising students failed to identify a critical aspect of how the refugee community communicates. The array of state and local agency staff, people who work for or volunteer with numerous nonprofit organizations that aid refugees, and specific refugee community leaders like religious figures and people who work as translators for Lincoln Public Schools all are resources for reaching refugees. But they weren't initially identified as part of a marketing strategy to spread the word about Mosaic.

In addition to the challenge of spreading the word into the refugee community, several stakeholders identified the challenge of reaching the broader community of non-refugee Lincoln

residents. Dayna Kranawitter works for the Lincoln Housing Authority as site supervisor for the Arnold Community Learning Center and service coordinator at the Carol Yoakum Family Resource Center. She considers the Mosaic website a valuable resource that brings "perspective on a part of our population." She said she wishes others in Lincoln would visit the site and read the stories because it would help eliminate public ignorance about refugees and immigrants. If people understand what the refugees go through, it might help "change their world view." But Kranawitter noted that she's motivated to read the stories on the Mosaic site, whereas others who might benefit from learning more about their refugee neighbors probably don't care enough to go to the site to learn more anyway. What people read in traditional media about refugees is limited. "It had to be a sensational story or a tragedy before they're represented," she said. (The morning she was interviewed, the Lincoln Journal Star carried a story about a Karen refugee who allegedly stabbed his girlfriend with a knife.) "It's such a one-sided portrayal," she said. Moreover, Kranawitter noted, even though she works with refugees and immigrants, she's far from a daily visitor to the Mosaic site because it "is competing for my attention with so many other things."

Initial plans to reach the broader the community included an arrangement with the Lincoln Journal Star, the city's daily newspaper, to publish some of the students' stories. But so far, the only story published was about refugee children whose parents can't help them with homework because of their limited English skills. That hasn't hurt Mosaic's attempt to reach refugees, because they don't rely on the Journal Star in the first place. But, as Anderson noted, "The secondary audience is the larger community and that has been hurt by not being published."

Despite shortcomings the stakeholders identified, the Mosaic project also has experienced some serendipitous, if unintended, consequences. One feature of the site, an interactive map that

introduces and explores many features of the city, was a professional project created by graduate student Litton, co-author of this report. In presenting a testing version of the map application to the family literacy class at Arnold Elementary School, Litton said it became clear that the map and the Mosaic site could be used as a training tool for refugees and immigrants to acquire critically important computer and Internet skills. Both UNL's Anderson and Arnold's family literacy teacher indicated they are developing curriculum ideas to make that work.

Initial plans to involve refugees as volunteers in contributing to the site ran aground on the realities of refugees' lives, jobs, children and other obligations. "We learned very quickly that didn't work," Anderson said. Instead, several refugees were recruited as freelance writers who are paid $50 per story for contributions to the Mosaic site. Anderson calls them not citizen journalists but "para-journalists," analogous to paralegals who free up time for lawyers to do other work. For Pirali, the Iraqi refugee, the opportunity represents a chance for personal growth. Pirali said he had wanted to work at a newspaper, but in Iraq, he never had the chance to do so. Now, in writing for Mosaic, he also can learn more about English, America and the people who live here, said Pirali, who describes his trek to America in a Mosaic article.

Whatever its value to Pirali, other refugees and their advocates in the community, Mosaic also is a journalism class, and as such, illustrates some of the challenges of students being community news providers. Importantly, the quality of their work is not an issue. Kranawitter, in fact, was surprised to learn that most of the Mosaic students were undergraduates. Her first impression of their professionalism and their work led her to the mistaken belief that all were graduate students. "Tim [Anderson] does a good job of making sure the students have a real passion or interest in exploring a different culture," she said. It also, however, reflects the value of rewriting drafts of stories and of a commitment to publishing only professional-quality work.

In its first semester as a joint course with eight advertising and eight journalism students, the two advertising and journalism faculty members at the helm challenged students with starting something from scratch. And not all the students reacted favorably to the lack of structure and what many apparently saw as unclear expectations.

After moving beyond the research phase that first semester, the Mosaic course has been offered only to journalism students, and a total of 13 undergraduate and graduate students have been enrolled in the subsequent two semesters. Anderson scheduled the three-credit-hour Mosaic course to meet from 12:30 p.m. to 5:30 p.m. on Wednesday afternoons, figuring it would create a block of time for busy students, overcommitted with courses and work schedules, to accomplish some of the reporting for their assignments. But that made it difficult to keep up with students' progress. So for the fall 2012 semester, the course will meet two days a week for shorter periods of time. The course is not offered during summer school, but one undergraduate and two recent master's degree recipients are working for the site this summer.

Anderson said he has struggled with the sometimes slim volume of content students create. A teacher could demand 12 stories each semester, but "that limits you" in the kinds of stories students can produce. Requiring six stories each semester from each student creates additional options for stronger stories that might take more reporting time, but in turn, results in less content for the website, a particular concern for a news site, which should not appear static. The challenge is finding a workable balance between features and profiles or more enterprise or investigative pieces. Also, particularly at the beginning of a semester, weeks can go by before new stories are ready to post. So keeping the site active and looking fresh is a challenge that adds a layer of complexity to managing the site, publishing stories and balancing demands placed on students.

Whatever its limitations and challenges, the Mosaic course has created a significant benefit for everyone involved, several of the stakeholders emphasized. The original intent of the grant that initially funded the Mosaic project was to create voices for the voiceless, and, in a perhaps unexpected way, it has in the personal interactions between refugees and college students. Take the Mosaic class's awkward first visit to the community learning center at Arnold Elementary School as an example. The students were uncomfortable; the refugees skeptical. To the Americans, it was doubly intimidating to realize they were trying to talk to someone who had a horror-story background and barely spoke English. But by the time the afternoon ended two hours later, the room was loud with conversation and laughter. And one of the refugees took the opportunity to sell Avon products to some of the American girls. It became a running joke that makeup was the international language.

The simple act of meeting an American, having a conversation in English, and sharing their stories represents a major milestone for the refugees, said Liz Heusman of the Center for People in Need. Having to meet and interact with an American can be a frightening prospect for these newcomers, but successfully engaging with the Mosaic students represents to the refugees an empowering experience.

Nebraska News Service

How it got started; how it works

When the Nebraska Legislature convened in January 2011, two new faces, representing the fledgling Nebraska News Service, were in the section of the chamber reserved for reporters. The next day, one of the reporters, a University of Nebraska-Lincoln journalism student, was thrilled to see her page-one byline in the Norfolk (Neb.) Daily News, circulation 15,960, one of the state's important medium-sized dailies serving northeast Nebraska. Spring semester classes weren't yet in session, but the Nebraska News Service, which had been the wisp of an idea six months earlier, was officially under way. Five students were accepted into the NNS class that first semester, nearly doubling the size of the regular Nebraska statehouse press corps.

To understand the significance of that, Allen Beermann, executive director of the Nebraska Press Association, provided some background. Beermann has been at the NPA for the past 18 years and before that served as Nebraska's Secretary of State from 1971 to 1995. He knows his way around the statehouse. Beermann recalled that in his early career in state government, a hallway near the legislative chamber comprised a press row of sorts, where you could find three or four reporters from the Omaha World-Herald, the state's largest newspaper, three or four reporters from the Associated Press and a couple of United Press International reporters as well. Those days are long gone. The World-Herald has three reporters in its Lincoln bureau who regularly cover state government, but sends additional reporters as needed; the nearest AP bureau is in Minneapolis, and the UPI is gone altogether. The local Lincoln Journal Star covers the statehouse, but it has never had significant circulation beyond Lincoln and the surrounding counties. Moreover, Beermann said, the World-Herald, which once prided itself on being a statewide newspaper that covered a Main Street 500 miles long, ceased delivery in the

western half of the state in 2009, and is widely perceived by people in "greater Nebraska" as being uninterested in covering anything beyond the concerns of Omaha and the University of Nebraska-Lincoln. Ellen Mortensen, editor of the Custer County Chief in Broken Bow, Neb., reflected that view. "We kinda feel like we're in the desert," she said, suggesting that World-Herald editors think the state's western border "ends in Lincoln." (The World-Herald in recent years has purchased five small dailies and 12 weeklies in the Omaha metro area and throughout the state and operates its own news service, transmitting news and feature stories drawn from its company-owned properties.)

Smaller newspapers and news consumers in Nebraska historically relied on this handful of major news sources to provide their state government news, but as those sources have shrunk, the smallest dailies and weeklies—and their news consumers—have been left out in the cold. As far as Beermann is concerned, the Nebraska News Service, created to cover state government, fills a pressing need. "It's filling a great void," he said, "and I think an important one."

Beermann also offered a wider historical context. Current technology allows for cheap, easy delivery of news. As recently as 10 years ago, Beermann said, a wire service like the NNS might have had to rely on a fax machine to transmit stories, a significant impediment to their use. "Now it's instantly useful to the newspaper," he said. "If they like the story, they just plug it in."

The NPA was an early supporter of the statehouse news bureau idea, in large part because the press association and the UNL journalism college have a long track record of collaboration. "When you're working together, it's a lot easier than working apart," he said, noting that not all state press associations and their state journalism schools have such a collegial relationship.

Creating a statehouse news bureau is not a new idea. Associate professor Tim Anderson, then the UNL journalism sequence (department) head, contacted at least three similar programs

at Maryland, Michigan State, and Arizona State during UNL's discussion phase of the project. And in years gone by, UNL journalism students in public affairs reporting classes occasionally wrote state government stories of local interest for particular papers. The NPA also once briefly experimented with hiring students as interns to cover legislative sessions. But the college had never established an ongoing statehouse news service.

As Dean Gary Kebbel tells the story, he made a "seminal" trip to Seward, Neb., in one of his first weeks as dean in the summer of 2010. He realized the college should take advantage of the rare geographic proximity of a journalism college situated just blocks from a state capitol. Kebbel sounded out the publisher of the weekly Seward County Independent about whether there would be interest in more statehouse news, and the idea took off. (The weekly paper has had a long collaboration with UNL detailed in the last case study in this report.)

Kebbel and others emphasized that the idea of the journalism college creating a program to cover state government for news organizations throughout the state was in keeping with the long-standing tradition of service embodied in the Morrill Act of 1862, which created the land-grant university system. Establishing the news service fits in with the university's overall mission because it's part of "helping people in the state," Kebbel said. "It's sort of in our DNA." And as a practical matter, the news service also helps address a perception by some Nebraskans that the state university mostly serves Lincoln. "It would be good for the university to show that's not true," Anderson said

Support from the NPA, which provided access to its mailing list of papers throughout the state, was critical. Beermann, with his extensive statehouse contacts, was instrumental in "smoothing the road" with the clerk of the Legislature, who "was not a particular fan at the start," Kebbel recalled. Cooperation of the legislative clerk was essential because he issues press

credentials, which give reporters virtually open access to the legislative chamber. But he was initially cool to the idea because of previous negative experiences with journalism students. Too often they dressed and acted unprofessionally when in the statehouse on class assignments and didn't seem to bother learning anything about the legislative process. The clerk ultimately agreed to issue daily credentials, but not permanent credentials, to NNS reporters. And he provided helpful background briefings for the NNS reporters before the legislative session began.

The dean, associate dean, journalism sequence head, and faculty member assigned to head up the news service met periodically in the fall to talk about how the three-credit-hour class would work. The dean also applied for a $130,000 grant from the Ethics and Excellence in Journalism Foundation to hire a person who would promote the news service around the state. Plans also were put in place to establish the news service as a tax exempt 501(c)3 entity allowing it to accept donations for equipment and other needs that arise and also to attempt to create a legal separation of sorts between the news service and the university, itself a state government agency. Initial discussions were predicated on the notion of charging a modest fee for clients to subscribe to the news service, but at one point, shortly before invitation letters were to be sent out, sequence head Anderson suggested the college offer it for free, at least at the start. To the planning group, that seemed much easier than trying to figure out an appropriate way to price an unknown product to potential clients of widely varying size. The planners also thought it was important to let editors at the state's two largest newspapers, the Omaha World-Herald and Lincoln Journal Star, which are the only two providing regular statehouse coverage, know about the plan. Both were cool to the idea, and a top editor at the World-Herald dismissed the notion that student reporters could competently cover state government. To date, neither has joined the

news service. Nonetheless, the NNS client base has a total circulation of about 300,000, not counting the potential audiences of the 10 radio stations and four television stations that subscribe

In December 2010 the college invited subscriptions with letters describing the Nebraska News Service to 156 weekly newspapers, one monthly, 18 dailies, 50 radio stations and 11 television stations that were members of the Nebraska Press Association or Nebraska Broadcasters Association. The letters included a tear-off slip at the bottom asking people to provide an email address, to list state senators in their circulation areas, and topics of particular interest to their readers. By the opening day of the legislative session in January 2011, the news service had acquired more than 40 clients. Also in December, the clerk of the Legislature met for an hour with the five students enrolled for the first semester of the Nebraska News Service, who sought to make a positive impression by their professional attire and deportment. He described protocols for reporters covering the Legislature and its committees, including the unusual access reporters have to go onto the floor and buttonhole lawmakers when the Legislature is in session except when a vote is in progress. The five students and the bureau chief (Quinlan) then went to the coffee shop in the Capitol and determined who was available to cover the opening day, which was during the UNL winter break, fixed the naming convention for g-mail addresses each student would use, and exchanged cell phone numbers. Sequence head Anderson designed a logo and printed business cards for everyone, and the journalism college office staff member who is the keeper of keys had keys made so each student could have access to a small storage room/library that was to become the NNS office.

Dean Kebbel recalled, "My overall surprise was how fast and easy it was to get this going." To him, the speed with which the news service was stitched together and the relatively

little planning that went into it is part of its success. "I'm glad we threw it together so fast, because we didn't have time to think about how it wouldn't work and why it wouldn't work."

When the second semester of the 2010-11 academic year--and the legislative session--got underway, the news service reporters met as a class on Friday mornings to make plans for the following week and hear guest speakers on various aspects of state government, such as the director of the Nebraska Accountability and Disclosure Commission and the legislative director of Common Cause Nebraska. Each student took on a beat covering specific topics and the legislative committees that deal with those issues and was responsible for staying on top of issues of particular interest to the more rural areas of the state, which most NNS clients serve. One student who was more interested in editing than reporting took on the duties of establishing the client data base and creating a large map of the state showing each legislative district, its lawmaker and the NNS clients in the district. She also wrote a style guide for the news service, created a schedule showing when each student was available to work, gave a first read to stories, and, by the end of the semester, when the client base had grown to more than 80, she did some basic analysis of the client news organizations, their circulation sizes, their Web presence and the like. She also covered legislative hearings when no one else was available to do so.

Students wrote their stories in Google Docs and shared them with the bureau chief, who then edited them, asked for changes as needed, and emailed them to the clients. Editors at small weekly newspapers typically are overwhelmed with things to do and not enough time to do them, so the decision was made to send stories to them directly rather than sending them a link to some other site or otherwise creating even one more step standing in the way of using NNS material. Additionally, one of the news service reporters created a Web page where news organizations

can sign up for the service, but NNS purposely did not create a website to publish stories. Doing so would, in effect, put the news service in the position of competing with its own clients.

Nebraska News Service sent out 90 stories covering its first legislative session. The semester ended while the Legislature was still in session, but to continue providing coverage, the dean obtained a $10,000 donation from an alumnus to pay two reporters and the bureau chief for five more weeks of coverage until the Legislature adjourned. In the fall 2011 semester, three students were enrolled in the class and each identified subject areas of state government they planned to cover. But a special session of the Legislature was called to address the controversial Keystone XL oil pipeline proposal, and most of the NNS efforts were devoted to covering that issue, particularly aspects of the economic claims being made by pipeline proponents, which weren't being covered by other news media.

In its third semester of existence, only one reporter joined the news service, which, as the stakeholders' comments detailed below indicate, sharply limited the extent to which legislative activity could be covered. Even so, the reporter filed 31 stories throughout the 60-day legislative session for the more than 100 clients being served. She also wrote short versions of each story suitable for on-air use by NNS broadcasting clients. After the session ended, she researched, reported and wrote stories about all 10 major and minor U.S. Senate primary candidates, except one who wouldn't schedule an interview. The stories became ran as full-page election previews in a number of papers before the state's May 15 primary.

Stakeholders' views: Pluses, minuses and academic considerations

Interviews for this case study as well as informal, unsolicited feedback from NNS clients suggest that to many editors, the service clearly fills a void. Rob Dump, who owns a half dozen weeklies in the northeast corner of the state, said he canceled AP service four years ago for

budgetary reasons, which left him with what he considered the distasteful option of running state senators' opinion columns as his only real source of state news. "I would never run them," he said. "And then I had to resort to running them." Indeed, scanning weeklies from across the state makes clear the sources of content not locally produced by staff or community correspondents are almost entirely freebies: columns from the governor's office, columns from state senators, columns from U.S. senators and representatives, summaries of calls for service from the county sheriff's department, articles by the local cooperative extension agents and the like. To John Weare, managing editor of the Alliance Times-Herald in Nebraska's western Panhandle, a free service that offers capable and competent state news coverage represents an opportunity to provide more for his readers. At the very least, NNS stories fill space. One paper ran nine NNS-bylined stories in a single issue during the first legislative session the student reporters covered.

Editors never called into question the accuracy of NNS stories. In fact, Custer County Chief editor Mortensen was under the mistaken impression that the stories she received were not written by students because the quality was so good it seldom needed any editing. Kent Warneke, editor of the Norfolk Daily News, said the NNS stories are on par with those from the AP and the World-Herald's news service. The NNS stories are accurate, interesting to read and comprehensive. Warneke said he chooses from among his various news sources depending on factors like whether area senators are quoted in one story or whether one better explains how an issue will affect Nebraskans, and he will sometimes combine stories from the various sources into a single, comprehensive piece. All of it adds up to more information for readers. "If I had to rely on the AP for state coverage, whoa, it'd be slim pickings," he said. Warneke noted that his was the first daily to publish an NNS story, and he never had any misgivings about the quality of

work the news service would produce. He has hired university students as interns for many years and has come to expect a certain quality of work from them, he said, noting that he wouldn't hesitate to tell a colleague who didn't have experience with UNL students and was concerned about using student work to "give it a chance."

Deborah McCaslin, publisher of the Custer County Chief and an ardent supporter of the news service, told graduate student Litton, "I love, love, love it," when he called her to arrange an interview for this project. And that was before he even told her why he'd called. McCaslin said she couldn't do without the news service and has reserved a spot on page A3 every week so her readers will expect statehouse news and know exactly where to find it. To her, NNS reporters' ability to cover legislative hearings represents "feet on the ground, ears in the room" assuring that open meetings are truly public. Laws that require open public meetings are one thing, but if news outlets fail to cover them, such meetings effectively become closed, she said.

McCaslin suggested the notion that readers don't care about state government news is a chicken and egg argument. Perhaps readers don't care "because no one knows about it," she said, suggesting that by regularly carrying statehouse news, she's helping people become more involved in the process. McCaslin offered anecdotal evidence supporting that. She said she's noticed that when state senators and politicians visit Broken Bow for coffees and meet-and-greet sessions, people have begun to ask more pointed questions of their lawmakers. She's heard them ask, "Well, I read in the paper…" and she knew they were referring to NNS stories carried in the Custer County Chief. McCaslin is planning a reader survey for June to gauge the popularity of various features of the paper, including the NNS. But she said it won't matter what the readers think; she's planning to stick with the service. "If the numbers aren't high enough, then we'll advertise more for it." Mortensen, McCaslin's editor, dismissed suggestions that perhaps state

news wasn't local enough for community newspapers, given the trend toward hyper-local coverage, which has long been a staple of weekly papers. "Just the opposite," Mortensen said. "They (readers) appreciate knowing what's going on."

McCaslin's enthusiasm for state government news contrasts with that of several other editors interviewed, who said their main focus is stories with local interest. An editor at one weekly characterizes news judgment there by saying that if it didn't happen in the county, it's not news. Nonetheless, that paper has published most NNS stories this year.

Many of the stakeholders interviewed for this case study reserved their greatest enthusiasm for Anthony Roberts, who was hired in September 2011 under the grant from Ethics and Excellence in Journalism Foundation. Originally conceived as a position for someone to travel the state promoting the news service, the job description was redefined after it became apparent that the news service was selling itself. What was also apparent was that while the college wanted students to create multimedia content for its clients, the clients' technical capabilities to use such content varied widely. Some had an active Web presence and at least one was unable to open email attachments. So the job was recast for someone to serve as a multimedia coach, working individually with client news organizations to help them improve their abilities to use multimedia content on their websites. Roberts, himself an honors graduate of the UNL journalism college, has the rare ability to speak both English and technology, and has built a large fan-base for the news service as he has reached out to help existing clients and has recruited others to join.

Weekly newspapers in particular take varied approaches to using the Web. Some update regularly with breaking news; others only weekly when the printed paper is published. Some have limited content and use the Web mainly as a teaser to drive readers to the printed paper.

Many use the Web to sell copies of photos, frequently of local high school athletic events, that aren't published in the paper. But interest in e-editions is growing in large part because of threatened closure of local post offices that deliver weekly papers to subscribers. The issue is a complicated one because in some parts of the state, access to high-speed broadband Internet service remains problematic. And further complicating the technology picture in small newsrooms is the reality of never having enough time to accomplish what they want to accomplish, much less embark on something brand new. Some of the larger daily papers in the NNS client base have capable Web and social media gurus on their staffs, and they have also been receptive to visits from Roberts to learn even more.

Roberts has clearly filled a niche for the state's papers. "I can't even overstate the value of technical assistance," he said. "They're so close and so far. There's a deficiency or a complete lack of training budgets." Roberts said he has found that the client newspapers' staff members know enough about their content management systems to publish, but not enough to do anything complicated. "It helps to have someone show you how to get started." And getting people up to speed on the basics is easy, particularly in a one-on-one, client-specific setting. He cited as example the paper in Chadron, in the far northwest corner of the state, 424 miles from Lincoln. Roberts said the Chadron staff was regularly publishing videos after about three hours of tutoring.

"For the most part, no one is embarrassed for not knowing this stuff, nor should they," he said. "How would they know if no one told them…Who has time in the news business to go out and learn this stuff on their own? Very, very, very few. Everybody needs a little catalyst, a kick in the pants, so to speak."

The biggest stumbling block for Roberts' services as a multimedia coach is editors' time. At a prearranged visit to one weekly, the editor told him when he arrived, "You know, if you really want to help, you can leave." She wasn't trying to be mean; she was just trying to cope with a suddenly busy breaking-news day. He left.

Editors interviewed for the case study uniformly sang Roberts' praises. Rob Dump of the Cedar County News and five other northeast Nebraska newspapers identified two major reasons for Roberts' success over other, more formal technology training opportunities for editors and publishers. First, such training sessions are available primarily at the Nebraska Press Association conventions, where the trainings often are geared to papers of a particular size. That means much of what is discussed isn't necessarily what smaller papers may be ready or able to produce. And second, Dump said he might find value in what he learns at a conference, only to discover he can't make practical use of the information because he does not have the same equipment at his office. "Then you're stuck," he said. With Roberts making house calls, both of those issues are instantly resolved: editors can start at whatever level of expertise with whatever technology they already have. And if something doesn't work right, Roberts can adjust on the fly. "He was right there, 'OK, let's go to plan B,'" Dump said, adding: "It's invaluable for him to come to our shop."

The NPA's Beermann, another Roberts fan, said the state association had addressed papers' technology needs only "in a non-organized way." The NPA has helped some members with starting websites and sent out "visitation teams" to help. But he said the UNL journalism college is in the best position to offer the kind of multimedia coaching Roberts is providing. For his part, Roberts credits the NPA with being "instrumental in helping me spread the service

across the state." Some editors, he said, "might not have called me back otherwise, but did so on the recommendation of Allen Beermann because they respect him."

While generous with their praise of the news service, many stakeholders are also quick to cite its shortcomings, generally phrased as suggestions for improvement. First, they say, recruit more students so you can do more work. Dean Kebbel and others expressed surprise that there was not more interest among journalism students in applying for the news service, but Kebbel acknowledged that part of the problem was a mushrooming number of special topics and elective classes that, in effect, dilutes the pool of top candidates. Out-of-the-way office space also contributes to lack of awareness about it among students. Stakeholders all agreed that better marketing to students, citing the value of getting clips to build a portfolio rather than the importance of public affairs reporting, is essential to keep it going. To publisher Rob Dump, "That's job number one; recruit a bigger staff."

Editor Steve Frederick of the Scottsbluff Star-Herald called for more feature stories, especially about local people. "Hometown papers care about hometown people," he said. "It doesn't matter if they lived here 30 years ago."

Several editors said they wanted a weekly or daily digest of upcoming stories, and others wanted the option of requesting specific stories. (Editors regularly have been invited to suggest stories, and a handful have made special requests, which have been honored, except once when no student was available to cover a specific event.) Editor John Weare in Alliance suggested a variant of individual papers' requests. His idea is that the news service and a client could work together on an enterprise project and then make the double-bylined story available to the rest of the NNS clients. "We'd like to do that, give our writers more exposure" he said. "I'd like to see it happen."

Norfolk Daily News editor Kent Warneke said providing photos and video would be an appropriate next step for the news service. "If it's going to grow, grow it slowly," he advised. "Visual is the next logical step in my mind." Roberts pointed out that the staffing shortage means there will be a shortage of multimedia pieces, which take longer to produce than a straightforward text story. Kebbel noted that one drawback to more multimedia content is that costs associated with video cameras and computer editing software will go up. While a major draw of the news service is that it's free, charging a fee for it hasn't been ruled out. But former sequence head Anderson said he doubted a pay schedule would generate enough revenue to offset all the costs.

Beermann said his main concern was with student journalists covering the Legislature. He said he feared that the news service could "very easily get derailed" if a student misconstrued sensitive or complicated legislation and inaccurate stories were published. "But I think Mary Kay (Quinlan) has been very careful about that," he said.

As with the other case studies examined in this project, the Nebraska News Service, whatever its value as a community news provider, is still a college credit course. But as a class expected to produce professional content, it raises some important academic questions, as Anderson points out. "When you add the publication component you cannot tolerate even B student work," he said. In regular classwork, students get their grades and then move on to the next assignment, "but when publishing is the goal, somebody's got to take that B-minus and turn it into an A paper." More students creating more content, in turn, translate to more work for faculty, he noted. Moreover, the imperative of creating professional, publishable work with upper-level students suggests the critical importance of the college having a demanding lower-level curriculum that prepares students to be competitive as NNS reporters.

The news service reporters were advised not to take more than 12 credit hours, including the three credits for the news service, so they would have 15 or more hours a week during the normal business day that they could commit to being available for NNS assignments. But because they have other classes, it isn't always possible for a reporter to be available, particularly not at a moment's notice.

Beermann highlighted another concern: the reality of student turnover. A new crop of students every semester means the news service cannot build institutional memory the way a newsroom does. From an academic standpoint, this raises the question of whether NNS could become a two-semester course, or whether students could at least have the option to repeat the class if they chose to do so.

Dean Kebbel raised another academic reality that affects a college's effort to embark on something new. It's difficult, he said, to ask faculty to take on experimental projects where there is no guarantee of success. "Faculty want to know the end result before they start," he said. "Tenure track teaches you not to take risks….It's a huge problem."

This case study suggests that further detailed analysis would be in order comparing various approaches to journalism colleges' statehouse bureaus, if other schools were tempted to establish such operations. The Nebraska News Service's early success may, in fact, be attributable to several accidents of geography and history over which no college can exert total control:

- It's a mere five-block walk between the Nebraska Capitol and UNL's Andersen Hall, which houses the journalism college;
- Nebraska's unique one-house legislature, with just 49 members and a tradition of openness, is unusually accessible and operates with minimal staff;

- Most state agencies have offices either in the Capitol or in nearby downtown buildings;
- Nebraska has just one major state university with the only accredited journalism program
- The state's press association, for the most part, reflects a collegiality that helped spur enthusiasm for the news service.

In short, the lack of planning that went into the Nebraska News Service, suggests that simply the chemistry of the people and place may have much to do with its success.

UNL-Seward County Independent Partnership

How it got started; how it works

Twenty-nine years ago, long before the FCC report on the information needs of communities called for colleges to play a role in filling those needs, UNL journalism faculty and students embarked on what would become a long-term effort to immerse college journalists in a community newspaper, augmenting local news coverage and providing students with clips and course credit. It got off to a rocky start, one of the original professors recalled, but has taken on a life of its own, as far as some of the stakeholders are concerned. Even in the early years, it was recognized as innovative, winning a merit award in 1984 for a Creative and Innovative Community Journalism Program from the National Association of Summer Sessions.

Retired professor Alfred "Bud" Pagel taught the advanced reporting classes that, along with editing and photojournalism classes, produced a laboratory newspaper during the regular academic year. During the summer, the journalism students used the facilities of the Daily Nebraskan, the independent campus newspaper, for the course's lab paper operation. But for

reasons Pagel said he no longer remembers, the Daily Nebraskan's facilities became unavailable in 1983, which forced the faculty members to find another way to offer the hands-on course. Pagel said he pitched the idea of a summer internship program of sorts to the newspaper in Syracuse, Neb., about 32 miles from Lincoln. He said he thought the best way to get the paper to participate was to offer the idea as a way for the editor to get a week of vacation. Syracuse jumped at the idea, but to Pagel's dismay, the entire editorial staff went on vacation, leaving the students and teachers with an entire newspaper to publish and very few ideas on how to do it. Even worse, the Syracuse operation assembled and printed three newspapers, and all three publications fell on the students' (and faculty members') shoulders. "We got them all out, but it just about killed us," Pagel recalled.

Beyond that, the problem with Syracuse was that the community, with a population of about 1,800, and its newspaper were a little too small to handle the influx of six or seven reporters. So the next year, they went to David City, with a population of more than 2,500. But David City is a 100-mile, two-hour round trip from Lincoln and proved to be too far to be practical for making a daily drive there. So the next year, Pagel said he approached Charlyne Berens, who, with her husband, owned and published the Seward County Independent, and "we convinced her somehow to do it." Pagel said the arrangement with Seward was a "perfect" fit. Everyone on the staff bought into the idea; at about 25 miles from the UNL campus, the town is an easy daily drive; and with a population then approaching 6,000, it was large enough to support additional reporters. Plus, the paper welcomed the additional help necessary to cover a stupendous Fourth of July festival that is said by organizers to draw in 40,000 people. (Stephanie Croston, the paper's current sports editor, who has been the point person for the partnership for nearly a decade, said July 4 is "the only holiday in Seward.)

Retired professor Jack Botts, who taught the editing classes that worked with Pagel's reporters, said it's important to understand the context in which the outreach to community newspapers took place. He recalled that William Hall, who was the director of what was then UNL's School of Journalism, began a push in the early 1960s to create more contacts within the state's press by starting a program in which journalism classes went to predominantly daily newspapers throughout the state for two days at a time and produced the papers. Classes traveled as far as McCook, some 228 miles from Lincoln, and Scottsbluff, nearly 400 miles away in the western Panhandle.

Botts credited those years of contact with the state press as a primary reason that Nebraska's journalism school became a college in 1979. When then-director R. Neale Copple sought to split the J-School off from the College of Arts and Sciences, all those contacts became useful, Botts recalled. There was doubt that the Board of Regents could be convinced to create a college of journalism. So Botts said Copple charged his journalism faculty with contacting everyone they knew in the state, newspaper editors and broadcasters, urging them to "rain phone calls, telegrams or whatever" in support of a journalism college. "Within a week they said OK. They were really just inundated with calls and demands," Botts said. "That's the main reason for maintaining contact with the state press."

By the time the school became a college, the two-day stints at daily papers had been dropped because of the strain of traveling long distances, including almost getting snowed in occasionally in distant towns. Students instead got hands-on publishing experience with a laboratory newspaper that involved four five-hour lab sessions every Tuesday and Thursday for students enrolled in advanced reporting, news editing, senior editing and photography, an

arrangement Botts said gave the students "a lot of experience and a lot of work." There were "enormous teaching moments in the labs that you don't get on these trips out through the state."

Pagel indicated that the program never would have been attempted in the first place if the students weren't up to the task of gaining that experience by collaborating with a weekly newspaper during summer school. Still, the faculty and newspaper editor installed a system to ensure a quality product. He said the students' copy was put through a rigorous editing process. He gave all copy a first edit, then it went to Botts and his copyediting students for a second round of editing, and finally it landed on the editor's desk. And everyone agreed at the outset, that the editor was the boss and had the final say. "It sounds like it would be extremely hard work, but it wasn't," he said.

In the intervening years, the program has evolved in several ways. It no longer includes editing or photography classes; only reporting students participate, but they are also expected to take photos with all their stories, just as reporters at any weekly newspaper would. Where the students work during their sojourn in Seward has also changed. In the early years, the class worked out of an un-air-conditioned upstairs space in the paper's historic building on the courthouse square, which participants remembered as miserably hot. That space was later air conditioned and transformed into the paper's newsroom, forcing the editor to find alternate locations. Once, it was a nearby corner storefront whose tenant had vacated. Another summer it was a former restaurant most easily reached down the alley behind the newspaper building. And still other summers, it was the basement of a local bank in the next block. Ultimately, the newspaper office was renovated, and the newsroom moved back downstairs, making the air conditioned upstairs space available for up to nine reporters and one teacher. Enrollment in the class has varied considerably over the years. In recent years, as few as five and as many as a

dozen have signed up. But the current space limitation means enrollment now cannot exceed nine students.

The class has also experienced changes in technology that have made logistics easier. In the early computer days, the class had to spend at least half of one day simply transporting computers, monitors and printers to the assigned workspace, a process considerably eased now that students provide their own laptop computers. And photography, particularly on the Fourth of July, is much easier with digital cameras than it was in the days when film had to be developed, often on deadline, by a Seward County Independent staff member.

What hasn't changed is the general approach to determining what the students will do. First, they are expected to contribute significantly to the annual July Fourth coverage, and beyond that, they work on stories that sometimes include spot news, but always also include working on special sections or assignments that the Seward County Independent staff doesn't have time to do. Marcia Goff, who succeeded Berens as editor when the Berenses sold the paper in 1990, noted that when the students arrived every summer, it essentially doubled the newspaper's staff. Many of the stories they were assigned essentially were ideas that came up during the day-to-day operation of the paper. It became a list of story ideas they wanted to do, but couldn't, largely for lack of time. "You get a lot of work done that might not get done otherwise," she said.

Goff said that while she always started out with a list of story ideas, she also encouraged students to find their own. If they came up with a story, she let them run with it, under her guidance, and if she wasn't satisfied with the results, she might add one of her own reporters to the story and give it a double byline.

Students enrolled in the summer school class, now known as Reporting II in the college's curriculum, meet for three hours on Monday, Wednesday and Friday mornings on campus covering the regular curriculum for the course during the first three weeks of the five-week summer session. One of those mornings usually includes a field trip to Seward to meet the editor and to get an introduction to county government from the county clerk and county sheriff. For the last two weeks, the students and teacher travel daily in university cars to Seward, leaving the journalism college around 8 a.m. and returning around 5 p.m. The July Fourth assignments can start as early as the anvil firing and flag raising at 7:30 a.m. and go until the end of the fireworks, which start at 10 p.m. Students provide their own transportation on the Fourth, and because they are required to work on the holiday, they usually are given a day off class one morning during the first part of the session.

The nature of the assignments varies from year to year. The editor (Croston) and faculty member (Quinlan) usually meet in April to start making plans for the summer. To the extent possible, the students are involved in brainstorming story ideas, often around a particular theme. But sometimes, the editor has particular projects that need to be completed and there is less flexibility for student input on story ideas. The projects have included stories analyzing census data after county-level figures become available, a series that focused on religion in Seward County, and profiles of the county's volunteer fire companies. Students also have written stories about county residents who run Internet businesses, created a slideshow of women at the senior center who do hand quilting, and a covered spot news story about a Girl Scout troop in a nearby town that sponsored a Harry Potter-inspired Quidditch tournament for local youth.

Publisher Kevin Zadina said one of the reasons the program works is that story assignments are carefully selected based on his staff members' "good grasp on the community." That's important, Croston added, because "we don't want to set them up to fail."

Students often rely on Croston and others at the paper for suggestions of sources, since no one expects them to know the community. Because of the community's size, many people students need to interview are within walking distance in the Seward business district. Students are expected to manage their own schedules and turn in stories throughout the two weeks. The faculty member in charge reads them first and asks for changes, as needed, and the stories are then sent to Croston, who often requests changes to conform to the paper's style or suggests an additional source to interview. Students are told from the outset that the editor is the boss, and she has the final say on how a story will be handled. On the final Friday of the two-week stint, no one can leave until the editor has signed off on all the stories and photos students have produced. Even though many UNL journalism students work at the independent campus newspaper, the Seward internship often is a first-time experience of working for a professional editor, which, for some, can be hard to grasp. One student, after being asked several times to do some more interviewing for a story, told the teacher and editor, "But I like it this way." The story was never published.

Stakeholders' views: Pluses, minuses and academic considerations

The stakeholders exhibited widespread agreement that the Seward internship is a valuable opportunity for students to experience community journalism, something that may get short shrift in journalism education. Retired editor Goff recalled: "Every year, I had the feeling that there were a certain number of the students who came in expecting to go to The New York Times or The Washington Post on their first job, and seeing that as the only journalistic goal that

they had. Community newspapers were just kind of out there, and unimportant and unprofessional. I think that many of them changed their minds after being around for a couple of weeks and seeing what went on and how it operated and why it was important."

Goff suggested that programs such as the one in Seward could go a long way toward creating better journalism in communities because they could encourage some to choose it as a career path, not just in Nebraska, but everywhere. "My feeling is that community journalism is among the very most important parts of what J-schools should be about," she said.

Professor John Bender, who taught the summer school class in the 1990s, said the students' immersion in the last two weeks of the class—coupled with the fact that they cannot take any other summer school courses at the same time—contributes to a degree of focus that they otherwise might not be able to achieve. The result, he suggested, is better journalism.

Pagel said the students benefit from the work experience, however brief. "Everything they learn on the first job, they learn there (in Seward), only you can't get fired," he said. "You could get flunked, but not fired."

Students also benefit from their exposure to community members, many of whom take an almost nurturing role in dealing with the interns. Sherry Schweitzer, Seward County clerk, is a regular speaker for the reporting class, explaining how county government works in Nebraska, which out-of-state students and those not from rural areas seem to struggle to understand, she said. She also has an extensive knowledge of the city and the region and is a go-to person when students need leads for sources on stories. "I'm glad to be a contact person," Schweitzer said. "I know where to steer them."

Clark Kolterman, an English teacher at Seward High School, is chairman of the July Fourth events, and often serves as a source for the students. He explained that members of the

community are willing to help the young reporters, partly because they're proud of their community and proud of their hometown newspaper, to the point where they almost take some small claim of ownership in it. Rhoades Publishing Inc. in Blair, Neb., owns the Seward County Independent and a number of other weekly newspapers, but that doesn't diminish local residents' sense that it belongs to them, Kolterman indicated. "People take a real identity in a paper in a small community, too," he said. "It's not the guy in Blair who owns it. It's not his paper; it's Seward's paper. So they want the paper to be successful and they want the paper to be right."

Students also benefit, of course, from adding to their portfolios of published work. And at least one student in recent years decided after her two weeks in Seward to change her major, concluding that journalism just wasn't for her.

The two weeks during which the students invade the newspaper can be stressful and disruptive for the staff's normal routines. But stakeholders agreed that the paper, with its full-time newsroom staff of four, including editors, benefits. Some stories simply wouldn't get done, and the July Fourth coverage would be much thinner. "We couldn't cover the Fourth of July without them," Croston said.

Kolterman said there's no real comparison to the Fourth coverage before and after the Seward internship program began. He's in a position to know. Kolterman has been involved with the July Fourth festivities for more than 40 years, beginning when he was chairman of the parade committee in 1969, while he was still in high school. "When that intern program came, the coverage was so much better because they had the manpower to do it," he said. "Before, we had to feed them all the articles." Today, the coverage is much different, he said, and it's his impression that the paper usually takes two issues (two weeks) to publish all the photos and stories the interns and full-time staff generate. One of the biggest improvements, he said, is in

the quality of photojournalism, which might be related to improved camera and printing technology as much as better student work. Nonetheless, he said, there was a time when "you had to read the captions to know what was in the picture."

Kolterman said he considers the internship program "a win-win for everyone" and said he believes the program could be replicated elsewhere. "The wheel's been invented…It's been invented here. I would just try to emulate what they did here."

But the Seward internship arrangement is not without problems.

Goff recalled an important lesson from the early 1990s when a professor allowed 17 students to be in the Seward summer class. And he made matters worse by requiring everyone to write 10 stories in two weeks. Goff said that meant she needed to come up with nearly 200 story ideas and then faced the logistical nightmare of reading and editing 170 stories. That never happened again.

Several stakeholders commented on the practical limitations of a two-week internship. Students have neither the necessary background nor time to cover city or county government meetings or engage in any meaningful accountability or investigative reporting. Government meetings are filled with jargon and acronyms and can be confusing, particularly to someone who lacks historical context, Goff said. "It's like coming in on the third act of a three-act play." County clerk Schweitzer agreed. "Government sometimes works slow," she said. In just two weeks, there just wouldn't be much to cover. That means the students are best suited for feature or historical assignments, Goff said, which is not necessarily bad. "Those are about people," she said. "They're [the readers'] friends and interested in reading about them. So those are always popular and well read." Croston suggested that adding a third week to the Seward internship

experience might make it possible for students to cover a government meeting and get an even better sense of community journalism.

Sometimes the students' inexperience—or inability—leads to mistakes. Bender and Croston both recalled an incident in which a student "garbled some pretty important facts" about a local manufacturing company, Bender said. Croston recalled it was her first year working at the paper, in 1998, and one of her first tasks was to go back and re-report and re-write the student's story. Bender said the student's shoddy journalism on that story provided a valuable lesson in community journalism. Even though a business profile may be more of a "soft" story, and may not seem as demanding, "at the same time they are real stories and they are stories that are going to be read and people care about," Bender said. "From that you can understand or learn that you gotta get it right, that people do pay attention, they do care. If you take a "half-assed attitude toward your work…there is going to be a price to pay" for a young reporter, and that's a valuable learning experience, he noted.

Pagel said that every once in a while he had to deal with a weak student, like one he recalled as "dead lazy and not very good when she did work."

Schweitzer recalled one year when the assignments included profiles of county officials. The student who wrote about her said that at the end of every day she liked to kick back a cold beer on her porch. Schweitzer said that wasn't true. "I don't even have a porch." She said she got a lot of ribbing about that, but seemed to take it in stride.

Publisher Zadina and Croston agreed that such episodes never threatened to kill the program largely because they are uncommon.

Some of the stakeholders cited intangible, but nonetheless significant, downsides to the community newspaper experience.

Berens, now the associate dean of UNL's journalism college, recalled that when she was editor at the Seward County Independent, one of the UNL professors, whom she did not identify, made her want to "run the other way" because he "wanted to tell me everything I should be doing." Small town newspaper people sometimes are defensive and don't appreciate outsiders coming in with a condescending attitude, she said. "We live here. We know what's best for our community," she said. "Don't come in here telling us how to practice journalism….You don't want to come in saying you have all the answers."

In reality, not all community newspapers are created equal. While retired professor Pagel recalled the paper in Syracuse, the first summer class location, as being too small and too far, Botts, the retired editing professor, recalled it as basically a lousy newspaper. "We found out that this wasn't a good example, not a good place to do that" because the owners "didn't care what went into the paper and that wasn't good," he said. Botts added that he always wished David City had been about 20 miles closer to Lincoln. "They had a more dedicated journalistic attitude," he said. "In Seward it always appeared as if they were learning every day what to do." Botts said he disagreed with some of the news judgments the Seward staff made, particularly because they seemed inclined to back away from a story that might hurt a local advertiser, which he said wasn't the case in David City. "Print it, that's what they'd (David City editors) say," Botts said. "As long as you spell all those Bohemian names right."

The students themselves sometimes pose another challenge if they don't understand the professional behavior and appearance that are expected, despite faculty members' efforts to explain what's appropriate. Pagel famously told his students in writing: "Remember, I know where you live. Screw up and I will follow you home and rip out your heart." That was

necessary, he said, because "anytime you start thinking college students are mature, you're making a big mistake."

Kolterman echoed the importance of students carrying themselves professionally. "They need to dress equal to or better than the people they are interviewing," he said. Seward, he noted, is a predominantly conservative, Missouri Synod Lutheran community where "tattoos are still not the norm and multiple piercings should be under your hat." The student interns "need to look as quasi-normal as possible," he said.

From a strictly academic standpoint, the arrangement with the Seward County Independent leaves something to be desired, several of the professors involved with the program said.

"I hope they don't consider it a big teaching thing," retired professor Botts said. "As far as teaching writing, editing and photography, I don't think it had a whole lot of value….As a teaching tool it was far inferior to the labs paper, I thought." That was also true, he said, of the earlier program in which students sojourned out to publish a small daily newspaper somewhere in the state for two days. "There were enormous teaching moments in the labs that you don't get on these trips out through the state."

Bender agreed. The Seward program, he said, is "just not an environment in which you can really get into a lot of the ethical issues, technical issues, reporting kinds of issues that provide…those teachable moments." In part, he suggested, that's because the story assignments tended to be features simply because they were more doable given the limitations of time. Moreover, stories written for special sections often weren't published until long after the students left, which also tended to limit their educational value for the students.

The summer school class also faces challenges in offering experiences comparable to Reporting II sections during the regular academic year. As the journalism curriculum has evolved, Reporting II students now work on multimedia skills and produce video assignments suitable for Web publication. The options for doing that are more limited in Seward, mainly for lack of time. In recent years, however, the summer school classes have produced slideshows for the paper's website, giving students some experience in telling stories visually.

Alongside the academic limitations, there is at least one academic advantage for students enrolled in the Seward summer class, beyond seeing their stories in print. The limited class size and intensive work environment mean students essentially get one-on-one tutoring with the faculty member. The teacher can sit down with each student and critique a draft of a story or discuss a student's plans for an interview, which can be particularly useful both for the student who is struggling as well as the more talented student who can be challenged to improve even more.

Whatever the limitations, after nearly three decades the UNL-Seward County Independent partnership seems to have evolved into what Berens, the associate dean and former editor, called a symbiotic relationship. "We all benefitted," she said. "It wasn't like we were doing them this big favor or the other way around."

To publisher Zadina, though, the balance tips more toward benefitting the students. The Seward County Independent is happy to have the extra copy, but it's not critical to their survival. "Community newspapers are here to stay," Zadina said, "and that represents an opportunity for students."

Conclusions

Metrics-motivated, data-driven managers will find little reassurance in these case studies. Two of them are too new to draw conclusions about their long-term prospects, and the third has never been subjected to any attempts to measure its value in anything other than anecdotal terms. Nonetheless, the accounts of these three efforts by the UNL journalism college to be community news providers offer some insights that could help others who decide to take on similar projects, in keeping with the FCC report's recommendation. And the fact that one of them has been in existence for nearly three decades sheds some light on what it takes to make such efforts sustainable.

The recommendations highlighted in the following sections are derived from the experiences of all three projects examined in this report. While they are not offered as a prescription for success, they suggest considerations that other colleges and community news organizations should keep in mind when embarking on similar efforts.

Planning

These case studies offer an interesting juxtaposition of projects with a significant amount of planning and those without. It's clear both approaches can work. The first Mosaic class was designed to undertake the research and planning phase of the project, but the class itself was, of necessity, less structured than some students could deal with. But a great deal of planning went into creating the website itself, including, importantly, **identifying the target audience**. This characteristic, in fact, is one all three projects share. Mosaic narrowly defined its audience to a manageable segment of the refugee population in Lincoln. The Nebraska News Service defined its target audience as news organizations in the state that want statehouse news coverage. And the target audience in the case of the Seward project is the Seward County Independent and, by

extension, its readers. Community news projects would seem likely to have a greater chance to succeed, in other words, if they have a specific audience in mind, not just some vague idea that there's a shortage of news coverage student journalists can fill.

Beyond identifying the audience, successful projects seem to be **figuring out how to reach that audience.** Mosaic was hampered by a grant requirement to create an English-language website, illustrating, perhaps, a key weakness in the prevailing enthusiasm for all things digital. In this case, it led to a mistaken one-size-fits-all notion of communicating with an underserved population that has limited Internet access and a different way of using the Internet when it is available. In the case of the news service, reaching the audience was accomplished in a simple, direct way, by emailing clients the stories students produced, including accommodating one client who couldn't open email attachments.

Working successfully with entities outside the college, which appears to be an element that makes these projects succeed, requires **getting buy-in from partners**. In the case of Mosaic, it means ongoing links with various community institutions that work with refugees and that provide helpful insights and contacts in the refugee community. For the news service, it means cultivating cooperation with the clerk of the legislature, the Nebraska Press Association, and editors who support the news service by using its stories. (Interestingly, however, the news service found it was not hampered by lack of support from the state's largest news organizations.) And for the college's partnership with the Seward County Independent, it means making space available for students to work and having the key editor agree not to go on vacation while the students are there, perhaps the most important lesson faculty learned the first time they attempted such an arrangement. Beyond that, clear ground rules need to be established at the outset affirming that the local editor maintains control and has the final say on content.

These three case studies also suggest that another planning element to consider is the role in the journalism curriculum these news-providing efforts will fill. Indeed, **playing a clear role in the curriculum** would seem to be an important factor in the Seward partnership's longevity. The summer school class fulfills a reporting course requirement for journalism majors, although it faces a challenge of assuring that the summer content is analogous to that offered in the regular academic year. Mosaic and the news service were created as upper-level electives, but discussions are underway to tweak them in such a way that they would fulfill expectations for a senior-level capstone course, assuring them a place in the curriculum. Beyond that, it would seem that creating community news in journalism colleges might best be done through the structure of specific classes rather than a more vague approach in which providing community news became an add-on expectation for a variety of different classes. It is generally much easier to hold people accountable when their mission is clearly focused, as it is in these three case studies. Colleges embarking on such efforts need to remain aware of the realities of dealing with students who, in most cases, are not able or willing to turn over their entire lives to the mission of creating community news. They have other classes, jobs, and, increasingly, families who all legitimately demand part of their time, all of which argues for making sure a college keeps its community news efforts in perspective.

Yet another common thread among all three cases is the apparent approach of **remaining vague when it comes to determining success.** Dean Kebbel remarked on the need for faculty to be willing to take on experiments like these community news operations whose outcomes are uncertain. Dealing with that uncertainty, he suggested, could be a significant challenge, because tenure-track faculty members tend to be risk-averse. Of course, one of the advantages of proceeding with little planning may be that there are likely to be fewer concrete expectations for

results. But just as not all students are prepared to deal with ambiguity, neither are all faculty members, tenured or not. Finding the right people to take on such projects is surely an important part of the planning process.

Executing

All three of these projects suggest that one of the most critical elements of their success lies in **committing to create professional quality content**. Stakeholders interviewed for the Mosaic and news service projects both expressed surprise that the content was largely produced by undergraduates. Custer County Chief editor Deb McCaslin repeatedly emphasized that the quality is critical. If the stories NNS students produced needed a lot of editing or additional work, they simply wouldn't be used. That's true in Seward as well, although the Seward case study illustrates a corollary to the principle of creating professional quality work. That is: Students should not be given assignments beyond their ability. Or as Seward sports editor Stephanie Croston puts it: "We don't want to set them up to fail."

Related to creating professional quality content is the expectation that students will be **adhering to professional appearance and behavior.** Making such expectations clear at the outset never guarantees that college students will follow them. But to the extent students are engaged in professional activities outside their comfort zones, they need to know what is expected of them, whether that means wearing a long-sleeved shirt to cover up offending tattoos in conservative Seward, Neb., or knowing a female reporter shouldn't offer her hand in greeting to a Muslim man unless he first offers his.

It also needs to be made clear to students involved in providing community news that they should be **expecting constructive feedback**. Working with a student to make a story

publishable rather than assigning a grade and moving on, as might occur in a typical classroom, is an important part of the process in all three of these cases.

However much or little initial planning goes into a community news project, one lesson seems clear from these cases: The college needs to be willing to commit to **operating the program over the long haul,** even if erratic enrollment occasionally puts it outside the normal parameters for ongoing courses. The Seward County Independent clearly relies on the journalism students to augment its four-person editorial staff in covering the annual July Fourth festivities, which helps the college justify offering the course even when enrollment sometimes dips. It would be difficult to argue that Mosaic and the news service have established a similar degree of reliance in their target audiences in less than two years of operation. But it seems self-evident that if a college decides to provide community news, the service has to be reliable, not hit or miss and not dependent on the vagaries of enrollment. In that regard, an important consideration is how or whether such efforts can be sustained during the summer, when campuses typically are not fully operational.

Remaining in touch with your audience is another characteristic that seems related to success in these cases. Advanced planning and review of a summer's work are among the elements that make the Seward stakeholders see it as successful. Likewise, the informal interactions between journalism students and the refugees can be considered another example of how knowing the people you're serving is important to the project's operations. In the case of the news service, editors are routinely encouraged to suggest story ideas or make specific requests, and some do. Others, to the delight of the students and bureau chief, offer unsolicited thanks and compliments for stories the editors particularly appreciated. The news service

students, multimedia coach and bureau chief also attend state conventions of the Nebraska Press Association, yet another way of reaching out to the potential audience.

Underlying all of these relationships must be a mindset of **treating one another with professional respect.** As Associate Dean Berens pointed out, if faculty members involved with providing community news see their role as that of savior of some lesser journalistic life form, the project will be doomed from the outset. This means faculty members must set aside any visions of self-importance or professional arrogance and deal with community partners as professional equals. Such collaborative efforts certainly offer news organizations or other underserved audiences an opportunity to get content they otherwise would not be able to get. But it's critical to understand that the partner organizations are providing an opportunity for journalism students to produce content, under supervision that holds them to professional standards, and to get it published. It can be, as Seward's Clark Kolterman said, "a win-win for everyone." But it also can be that the paper is doing the college a favor, not the other way around.

Remaining Open to Change

The cases examined here suggest that community news efforts can be launched with only the vaguest planning outlines. And while there may be merit in Dean Kebbel's advice to "go in stupid," it does not necessarily follow that continuing to be stupid is advisable. Shooting from the hip may be a way to get started, but once a community news project is underway, it probably pays to think about **avoiding rash judgments** as the project evolves. Establishing a solid framework and taking a lesson from the tortoise and the hare are approaches more likely to lead to a sustainable project than looking for the flashy, one-time headline.

To that end, Mosaic and the Seward project illustrate the importance of **being willing to critique what you do and make adjustments accordingly.** Mosaic teacher Anderson has given thoughtful consideration to how much content students should be expected to produce. He was also willing to reconsider the notion that refugee volunteers could be recruited to contribute to the Mosaic website and turned instead to paying them as freelancers. And the Mosaic team recognized a serendipitous opportunity to use a feature of the site itself as an Internet training tool for refugees, something no one had anticipated. Likewise the Seward project learned the hard way that allowing 17 students to enroll in the summer school class, however well intentioned, was completely unmanageable.

Perhaps the most interesting example of a change in course can be seen in the grant-funded position of multimedia coach for the Nebraska News Service. The position initially was conceived as someone who would travel the state drumming up clients for the fledgling operation. But when it became clear that the news service was attracting clients without much promotion, the job was recast to meet a different need that subsequently had been identified. UNL's journalism program, like most, is committed to having its students master multimedia reporting skills. But when it became apparent that many NNS clients weren't able to use much multimedia content, the job was redefined and a person was hired to work with NNS clients to improve their multimedia capabilities. The widespread enthusiasm among the Nebraska press for the multimedia coach's services suggests that such a service could be something journalism colleges could consider offering, independent of any link to providing content.

Ongoing Challenges

Whatever the merits of journalism colleges providing community news, these case studies make one thing abundantly clear: college-based community news operations are not a

silver bullet that will compensate for the dramatic reduction in daily newsroom staffs and consequent shrinkage of what journalists deem important public affairs reporting, as the FCC report documents. But that doesn't mean they aren't worth doing. As the three cases examined here suggest, programs that link journalism colleges to their communities in a collaborative, collegial manner can provide news and feature content that otherwise wouldn't be available and give students opportunities they otherwise wouldn't have. But they face some very real challenges.

One of those challenges—being tied to the academic calendar—likely could be addressed with sufficient resources to pay faculty and student interns to continue the services through the summer, for example. Indeed, *The Information Needs of Communities* calls on foundations and philanthropists to "help fund journalism-school 'residencies' for recent graduates" who could run year-round community news programs staffed by journalism students (355). The idea might be worth examining.

Students are, by definition, transient, which poses another challenge that may be insurmountable. It's the reason news organizations would be unwise to hope that student-provided news can make up for shrinking reporting budgets. As transients, students generally have a limited storehouse of knowledge about communities they might be expected to cover. Briefing manuals and garden-variety research can help fill the storehouse a bit. So can faculty running the program, whose institutional memory can help steer student reporters along the right track. But community news projects that are tied to specific college courses inevitably would see students pass the class and move on after a semester or two, making way for a new crop of reporters who have to start up the learning curve.

Clearly, such newcomers can create content. They probably can cover speeches and press conferences and committee hearings and public meetings. And they no doubt can write a wide array of feature stories and profiles of interesting or important figures in the community. Some of them will be able to mine stories from publicly available data that no one else has bothered to look at. But what none of them is likely to be able to do is spend a year or two or three trolling the halls of the courthouse or statehouse or city hall, developing sources—and stories—the way the best beat reporters have always done. And that is the kind of journalism that student-created content is unlikely ever to replace.

Perhaps a bigger challenge relates to issues raised by two faculty members about the educational merits of such content-providing classes. Such arrangements may not, in fact, be the best way to teach journalism, a question that deserves further study. A journalism program that decided to embark on or expand such efforts might be well advised to have serious discussions about the college's priorities and how to balance journalism education with public service, if it decides to adopt such a mission.

Final Comments

The FCC's report, *The Information Needs of Communities*, endorses the much-discussed idea of journalism schools adopting a teaching hospital or medical residency approach, in which students actually *do* journalism while they are learning it (194-196, 355). The report documents the tens of thousands of students enrolled in hundreds of journalism programs around the country, suggesting that they constitute a rich resource for creating community news if such programs adopted the learning-by-doing approach of teaching hospitals. But the case studies described in this report suggest that the medical residency analogy may be misplaced. For one thing, the medical residents providing patient care in teaching hospitals already have a medical

degree, usually following four years of medical school. And even getting into medical school is an intensely selective process in which a premium is placed on high test scores. Medical residents, in short, are unlikely to tell a supervising physician "but I like it this way" when being advised how to render patient care.

Perhaps a more apt analogy for journalism education could be found in our teachers' colleges, which have evolved methods for gradually placing undergraduate students in increasingly responsible positions in elementary and secondary classrooms under the supervision of full-time cooperating teachers. Students in teachers' colleges may start out observing various classrooms. Then they may engage in presenting individual lessons or conducting classroom activities several times a week, followed by feedback from a cooperating teacher or university supervisor. Ultimately, their training usually culminates in an immersive, semester-long, professionally supervised student teaching assignment. Such a model, in short, might provide inspiration for undergraduate journalism education. Indeed some elements of the case studies examined here already reflect parallels with the teacher education model, such as the immersion, however limited, that students experience at the Seward County Independent or the one-on-one feedback students in Mosaic or the news service get as their stories are shaped for publication.

Whatever model journalism educators envision as a way to reshape their operations and create community-focused programs to fill gaps in news coverage, these case studies offer a powerful reminder never to discount the value of intangibles that may emerge: the student who changes her major because she decides journalism is the wrong field for her; the student who goes on to work in community newspapers; the student who learns what happens when you make a serious mistake in a story; the student who encounters a refugee who has survived unspeakable horrors; the refugee who encounters an American student and successfully communicates her

dreams for tomorrow. Journalism educators should be prepared to accept that the possible outcomes of such community focused programs are likely to include those that are entirely un-quantifiable, even life-altering, which perhaps constitutes a strong argument for doing them.

Part II: Intellectual Property Issues and Student-Created Content

Intellectual Property Issues Relating to News Stories Created and Published by Journalism Students For Academic Credit

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Economic and social changes have constricted the reach of American journalism in the early 21st century. Many news organizations have cut staff and newspapers have reduced their size. Some television stations have been expanding the amount of time they devote to news, but even in such situations, they are largely recycling the same number of stories. As a result, what journalism is available through commercial media is increasingly reactive and superficial. Investigative reporting and reporting that requires journalists to devote large amounts of time to a single topic are increasingly rare. The consequence is that Americans are learning less about their safety, livelihoods and government and business decisions that may affect their lives.[1] One possibility for filling the gap in public information is to call on the journalism programs at colleges and universities around the country to provide some of the reporting that commercial media are no longer doing.[2] This possibility raises a number of questions related to copyright and public records law. This essay attempts to answer some of those questions.

I. Basic Copyright Principles

The place to begin this examination is with the basic provisions of copyright law: what is protected by copyright; when and how is it protected; what is not protected; and who is presumed to own the copyrights to the materials created.

The federal copyright law as amended in 1976 expressly protects "original works of authorship fixed in any tangible medium of expression."[3] This short phrase includes two key concepts that are central to understanding how copyright law works: originality and fixation. The

[1]Steven Waldman, The Information Needs of Communities: The Changing Media Landscape in a Broadband Age, Federal Communications Commission, July 2011, p. 57.

[2]Id. at 194-95.

[3]17. U.S.C §102. The 1976 rewrite of the Copyright Act is the most recent comprehensive revision of the law. It substantially changed the scope of the law and the definition of what is protected.

report of the House Judiciary Committee, which accompanied the bill on its passage, states that "originality" does not require that the work exhibit great novelty or aesthetic value.[4] In one of the more important recent cases on copyright, the U.S. Supreme Court re-emphasized that point. The court said:

> To qualify for copyright protection, a work must be original to the author. Original, as the term is used in copyright, means only that the work was independently created by the author (as opposed to copied from other works), and that it possesses at least some minimal degree of creativity.[5]

Even a routine paper written by a student would satisfy this low standard for originality. So long as the student had not copied the material from another, it would possess sufficient originality to qualify for copyright protection, even if the content were banal and the research or investigation superficial.

The other requirement for copyright protection is that the work be fixed in a tangible medium of expression, including any medium now known or later developed that would allow another to perceive the work either directly with one's own senses or with the aid of some mechanical device.[6] Before the 1976 revision of the law, works enjoyed statutory copyright protection only if published, but the revision applies statutory protection to any work fixed in a tangible medium, regardless of whether it has been published.

The House report explains that the work—whether it is words, pictures, sounds or any

[4]House Report No. 94-1476.

[5]Feist Publications Inc. v. Rural Telephone Service Co. Inc., 499 U.S. 340 at 345 (1991).

[6]17 U.S.C. §102.

other copyrightable matter—must be recorded on some stable medium. In the case of written words, that might mean nothing more than recording them on a piece of paper. Or, as is more common now, recording them on the hard drive of a computer or on a CD-ROM or some other magnetic medium. In the case of images, it would be recording them on a memory card or tape. Even if the material in question were a live broadcast, say of a legislative hearing, the material would be eligible for copyright protection so long it was being recorded at the same time it was being broadcast.[7] An assignment written by a student would be fixed in a tangible medium if the student wrote it on paper or saved in on a computer disk or even submitted it through email or Blackboard or a similar course management program, because the assignment probably would be recorded on some computer server and, therefore, exist on a tangible medium. Clearly, almost all student work would qualify for copyright protection on the basis of its originality and its having be fixed on a tangible medium of some kind.

The next question is the ownership of the copyright. The answer seems to be equally straightforward: The student owns the copyright. The statute provides that ownership of the copyright in a work initially goes to the author or authors of the work.[8] In a law review article written before the adoption of the 1976 changes to the copyright law, Robert B. Carpenter concluded, "Preliminarily, there does not appear to be any general impediment in the law of copyright that would prevent a student from securing copyright in a qualified work under either common law or federal statute."[9] Carpenter's main reservation was that much student work was never published, but he was writing at the time when unpublished works enjoyed only common

[7]House Report No. 94-1476.

[8]17 U.S.C. §201(a).

[9]Robert B. Carpenter, THE STUDENT AUTHOR AND THE LAW OF COPYRIGHT: A CONSIDERATION OF SOME PECULIAR PROBLEMS, 51 Notre Dame L. 574 at 580 (1975-1976).

law protection.

One might argue that a student paper is akin to a work for hire. Ownership of the copyright in a work for hire goes to the employer.[10] The copyright in a news story prepared for a newspaper or a television station, for example, belongs to the owners of the newspaper or station, not to the reporter who researched and wrote the story. What case law exists, however, suggests that the work-for-hire doctrine does not apply in the case of student works. In 1979, David Quinto, a second-year student at Harvard Law School, wrote an article for the *Harvard Law Record* on the experiences of law students on their summer jobs. *The Legal Times* of Washington, D.C., later republished 92 percent of Quinto's article without his permission. The managers of *The Legal Times* believed that Quinto's article was a work for hire and that the copyright belonged to the *Harvard Law Record*, and they obtained permission from the editor of the *Record*.[11]

> The court, however, concluded that Quinto's article was not a work for hire.
>
> It would be difficult to envision a case where it is more clear than it is here that the article was a contribution to a collective work and not a work for hire. It is uncontested that plaintiff received no compensation for his article, that the idea to write it was entirely his, that he was not a party to an express contract for hire and was free to engage in other writing activities for pay, that he had no regular working hours and that neither the interviews nor the initial writing occurred at

[10]17 U.S.C. §201(b).

[11]Quinto v. Legal Times of Washington, Inc., 506 F.Supp. 554 (D.C.D.C. 1981)

the Record's offices.[12]

In the case of a contribution to a collective work, such as a collection of essays or short stories, or in some cases, magazines or newspapers, the copyright in each individual contribution belongs to the contribution's author or authors.[13]

In order for a work to be considered for hire, it must have been created by an employee within the scope of his or her duties. If a school were to claim ownership of the copyright in student works, it would have to show that there is an employment relationship between the school and the student and that the work was created within the scope of that relationship. But students are not employed by their schools. Even in situations where the student may hold a work-study job or some similar employment, the duties of such jobs do not include the preparation of papers or assignments for academic credit.[14] After reviewing the facts of the typical student-instructor relationship, Carpenter concluded, "A student author, then, should not be treated as an author for hire under the current statutory application of that doctrine."[15]

In Community for Creative Non-Violence v. Reid,[16] the U.S. Supreme Court used the law of agency to determine whether a work was a work-for-hire or the creation of an independent contractor. James Earl Reid had executed a sculpture for the Community for Creative Non-Violence depicting the plight of the homeless. Reid was paid for the sculpture, and after its completion both CCNV and Reid filed competing applications for a copyright. A federal district

[12]Id. at 558-59.

[13]17 U.S.C. 201(c).

[14]Carpenter, supra at note 7, at 580-81.

[15]Id. at 583.

[16]Community for Creative Non-Violence v. Reid, 490 U.S. 730 (1989)

court held that the sculpture was a work-for-hire, so the copyright belonged to CCNV, but an appellate court reversed and said the copyright belonged to Reid.[17] The Supreme Court said the general common law of agency used the following factors to determine whether one party was an employee of another:

- the skill required;
- the source of the instrumentalities and tools;
- the location of the work;
- the duration of the relationship between the parties;
- whether the hiring party has the right to assign additional projects to the hired party;
- the extent of the hired party's discretion over when and how long to work;
- the method of payment;
- the hired party's role in hiring and paying assistants;
- whether the work is part of the regular business of the hiring party;
- whether the hiring party is in business;
- the provision of employee benefits;
- and the tax treatment of the hired party.[18]

Few of these factors would favor a university or college in a copyright dispute with a student. The school may have some control over the student's discretion in the execution of the work and may be able to assign additional work (at least for the duration of the course), but the important factors pertain to payment, benefits, tax treatment, provision of tools and instrumentalities, and the location where the work is performed. All are irrelevant to the student-school relationship or favor the student.

The original owner of the copyright to a student-produced news story, therefore, is the student, not the school. The next question is whether there is a transfer of copyright to the school as a condition for the publication of the work.

[17]Id. at 733-36.

[18]Id at 751-52. The Supreme Court ruled that Reid owned the copyright.

II. Transfer of Ownership

Sec. 201 of the copyright law provides that owners may transfer all or part of their exclusive rights to others by sale or by inheritance.[19] The exclusive rights of owners include the right to prepare copies of the original work, to distribute copies of the work, to prepare derivative works, to display the work and to perform the work.[20] The House report said each of these rights may be owned separately and may be conveyed separately.[21] The author of a novel, for instance, has the right to prepare a derivative work based on that novel, such as a play or a movie. But the author could sell that right to another, allowing that person to prepare the derivative. Rights are also divisible by time and place. A television station owns the exclusive rights to broadcast a network show for a given time and region. Owners of these partial rights may also sue to defend them.[22] The owner of the right to prepare a screenplay based on another person's novel would have the right to sue for infringement any other person who prepared a screenplay.

Another part of Sec. 201 says transfers of copyrights must have been voluntary.[23] No government body or official or other organization can expropriate, seize or transfer a person's copyrights. The House report says the purpose of this provision "is to reaffirm the basic principle that the United States copyright of an individual author shall be secured to that author, and cannot be taken away by any involuntary transfer."[24] This section seems to foreclose the possibility that one may presume that students have transferred the copyright in their work

[19]17 U.S.C. §201(d).

[20]17 U.S.C. §106.

[21]House Report No. 94-1476.

[22]Id.

[23]17 U.S.C. §201(e).

[24]House Report No. 94-1476.

simply by enrolling in a class or by having their work published by the college or university.

This issue came up when four Virginia and Arizona high school students sued iParadigms LLC, the operator of the anti-plagiarism program Turnitin. The company contracts with schools which then require students to submit their papers to Turnitin. Students must sign up with Turnitin before they can submit their papers. As part of the sign-up process, they have to agree, by clicking on an "accept" button, to Turnitin's terms, which include giving it a perpetual license to store and use the submissions. The program stores, with the approval of the school, all papers that are submitted. It then produces an originality report on each submission. Instructors can ask to see the entire copy of an earlier paper if they want it to evaluate whether any detected similarities are the product of plagiarism. The students claimed iParadigms had infringed on the copyrights in their papers by storing them and reproducing them as part of subsequent reports on whether papers written by other students had been plagiarized.[25]

The federal district court that heard the iParadigms case ruled in favor of Turnitin, holding that the "clickwrap" agreement constituted a valid contract and that, in any event, Turnitin's use of the student papers was protected by the fair-use defense in copyright law.[26] In spite of the ruling, however, some legal scholars believe the district court erred on both the contract and on the application of the fair-use defense. One scholar, Stephen Sharon, said contracts involving minors can be voided in most states when the person reaches 21. Also, for a contract involving a minor to be binding, the minor must have received some benefit, but the students who must submit papers to Turnitin, receive no benefit. The benefits all accrue to the

[25]A.V., et al., v. iParadigms Limited Liability Company, 544 F.Supp.2d 473 at 477-79 (E.D. Va. 2008).

[26]17 U.S.C. §107. The fair-use defense will be discussed in more detail later in this paper.

school or the instructor.[27]

Although students would have the copyright in any news stories they produced for news organizations operated by or in cooperation with an academic journalism program, both the students and the school (and other parties involved) might benefit from an explicit agreement. The agreement should allow the school (or the news organization that is collaborating with the school's journalism program) first-time rights to publish or broadcast the students' work. The agreement might convey the school and collaborating news organization more rights, but by conveying at least these rights the school and news organization could sue to protect the copyright, if necessary. Students should retain at least some rights to their work. If the school and collaborating news organization have only first-time publication rights, then the students would be free to republish the work later. The likelihood their work would have great commercial value is slight, but leaving students that opportunity may give them an incentive to perform better. They should at least have the right to reproduce the work for distribution to potential employers or to display it on a personal webpage. In any event, an explicit agreement would avoid confusion, litigation, and bad feelings if disagreements arose later.

III. Use of Student Work by Other News Organizations

Any journalistic works created by students would probably be published in some form, and today, that would include publication on the Web. The publisher might be the students' college or university, or it might be a commercial news organization collaborating with the school in providing a forum for student work. Such publications would be licensed by the

[27]Stephen Sharon, DO STUDENTS TURN OVER THEIR RIGHTS WHEN THEY TURN IN THEIR PAPERS? A CASE STUDY OF TURNITIN.COM, 26 Touro L. Rev. 207 at 215 (2010-2011). See also Samuel Horovitz, TWO WRONGS DON'T NEGATE A COPYRIGHT: DON'T MAKE STUDENTS TURNITIN IF YOU WON'T GIVE IT BACK, 60 Fla. L. Rev. 229 (2008). Horovitz largely agrees with Sharon, but focuses primarily on the fair-use issue.

agreement between the students, the school and the collaborating news organizations. However, once the information is on the Web, others would have the opportunity to access it and even republish it. This might violate the exclusive rights of the copyright owners unless the use fell within the scope of the fair-use defense.

The fair-use defense is a judicially created doctrine dating to at least 1841.[28] But in 1976, Congress incorporated the defense in the copyright statute.[29] Fair use allows one to make unlicensed use of another's copyrighted work "for purposes such as criticism, comment, news reporting, teaching ..., scholarship, or research."[30] No use, not even those listed in the statute as qualifying as fair use, is presumptively fair.[31] In every instance, a court must determine whether a use is a fair one by applying four factors:

- the purpose and character of the use, including whether it is commercial or noncommercial;
- the nature of the copyrighted original;
- the amount and substantiality of the portion used;
- and the effect on the potential market for the original and any likely derivatives.[32]

Further complicating the picture is the doctrine that copyright does not protect facts, only expression. The Supreme Court has said, "[F]acts do not owe their origin to an act of

[28]Folsom v. Marsh, 9 F.Cas. 346 (C.C. Mass. 1841).

[29]17 U.S.C. §107.

[30]Id.

[31]Harper & Row Publishers, Inc., v. The Nation Enterprises, 471 U.S. 539 (1985). The U.S. Supreme Court held *The Nation* unfairly used portions of President Gerald Ford's memoirs for a piece the magazine published about Ford's pardon of Richard Nixon, even though the court acknowledged that the information was newsworthy.

[32]17 U.S.C. §107.

authorship.... The first person to find and report a particular fact has not created the fact; he or she has merely discovered its existence."[33] This does not mean that a work that is based on facts alone cannot be copyrighted; rather, the copyright protects only the way the facts are expressed, not the facts themselves.[34] A history of the Civil War, for instance, would have copyright protection for the manner in which the author described the facts. The same would be true of a news story.

As a result of the doctrine that facts cannot be copyrighted, a competing news organization may take the facts that another news organization has reported, rewrite them so that they are expressed in a different manner, and republish them without violating the copyright of the organization that first reported the information. Ethically, the second news organization should credit the first for having initially collected and published the information, but the law does not require giving credit.

Copyright law may offer only limited protection, but another legal concept may be more helpful in protecting, at least temporarily, the work of student journalists: unfair competition.[35] The U.S. Supreme Court applied this concept to a news piracy case dating from the early 20th century. The Associated Press and the Hearst-owned International News Service were competitors in the business of providing national and international news to newspapers around

[33]Feist Publications v. Rural Telephone, 499 U.S. at 347.

[34]Id. at 349.

[35]The elements of unfair competition are "(1) the existence of a business relationship or contract; (2) the wrongdoer's knowledge of the relationship or contract; (3) the wrongdoer's intentional action taken to prevent contract formation, procure contractual breach, or terminate the business relationship; (4) lack of justification; and (5) resulting damages." Encyclopedia of Everyday Law, Intellectual Property, http://www.enotes.com/intellectual-property-reference/unfair-competition, accessed May 23, 2012.

the country. The AP sued INS alleging the INS had bribed employees of AP papers, induced AP members to sell it news in violation of their contract with the AP, and stolen news from bulletin boards and published it verbatim or with slight revision.[36] The AP claimed no copyright in its news stories, but it did argue that INS had unfairly appropriated news the AP had gathered and used it to its own commercial advantage.[37]

The Supreme Court described the news business in the following terms:

> What we are concerned with is the business of making [news] known to the world.... That business consists in maintaining a prompt, sure, steady, and reliable service designed to place the daily events of the world at the breakfast table of the millions at a price that, while of trifling moment to each reader, is sufficient in the aggregate to afford compensation for the cost of gathering and distributing it, with the added profit so necessary as an incentive to effective action in the commercial world.... The parties are competitors in this field; and, on fundamental principles, applicable here as elsewhere, when the rights or privileges of the one are liable to conflict with those of the other, each party is under a duty so to conduct its own business as not unnecessarily or unfairly to injure that of the other.[38]

In the news business, the court said, the freshness and novelty of the news stories is what makes them commercially valuable. By appropriating the AP's news, gathered at great expense to the wire service, the INS had interfered in the AP's business at the precise moment when the news

[36]International News Service v. Associated Press, 248 U.S. 215 at 231 (1918).

[37]Id. at 232.

[38]Id. at 235-36.

the AP was disseminating was of greatest value, and this amounted to unfair competition on the part of INS.[39]

It may seem strange that the key technology of the early 21st century would revive and give new significance to a court decision from the early 20th century, yet that is what has happened. INS v. AP has existed in textbooks for the last 40 or more years as something of an oddity, and not a central part of media law. But the Internet has made it possible for a Web site operator, whether affiliated with a traditional news organization or not, to collect and repackage news from organizations that have invested large amounts of money in reporters to gather and write that news. A Web operation based on the West Coast could gather information from the Web sites of East Coast newspapers and make it available to readers and viewers essentially at the same time it was available through the Web sites of the creating news organizations.

The pervasiveness of the theft of news has led one prominent media law attorney to suggest the adoption of a "hot news doctrine."[40] Only a few states have explicitly recognized the hot-news doctrine from INS v. AP, but if more recognized it, the doctrine might prove useful to traditional news organizations losing revenue to aggregators and pirates. Another possibility would be for Congress to recognize the doctrine, thereby making it uniformly applicable throughout the country.[41]

The most relevant case on this point since INS v. AP is National Basketball Ass'n v.

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[39]Id. at 238-40.

[40]Bruce W. Sanford, Bruce D. Brown and Laurie A. Babinski, "Saving Journalism with Copyright Reform and the Doctrine of Hot News," *ABA Committee News: Media, Privacy and Defamation Law Committee*, Spring 2010, pp. 6-10.

[41]Id. at 9.

Motorola, Inc.,[42] which involved the real-time distribution of basketball scores over pagers by Motorola's SportsTrax operation. The NBA argued that SportsTrax was engaged in unfair competition and infringing on its rights in the "hot news" of the basketball scores. Motorola contended any hot-news claims had been pre-empted by the federal copyright law. The federal appeals court said a claim based on the hot-news doctrine might be sustainable if

> (i) a plaintiff generates or gathers information at a cost; (ii) the information is time-sensitive; (iii) a defendant's use of the information constitutes free riding on the plaintiff's efforts; (iv) the defendant is in direct competition with a product or service offered by the plaintiffs; and (v) the ability of other parties to free-ride on the efforts of the plaintiff or others would so reduce the incentive to produce the product or service that its existence or quality would be substantially threatened.[43]

The appeals court concluded, however, that the NBA was unable to satisfy these factors and ruled in favor of SportsTrax and Motorola.

Between the fair-use defense and the doctrine that facts cannot be protected by copyright, the main limitation on the piracy of news stories prepared by students is that the user not appropriate the expression as well as the facts. So long as another Web site does not take the students' stories verbatim or nearly verbatim, then the republication would be considered fair use. The hot-news doctrine, which has limited scope at present, offers some additional protection against Web sites or others who routinely pirate fresh news that others have gathered and prepared for publication.

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[42]105 F.3d 841 (2nd Cir. 1997).

[43]Id. at 845.

IV. Protecting the Records and Sources of Student Journalists

A problem allied to the intellectual property issue but involving different legal provisions is the vulnerability of unpublished information compiled by student journalists to requests for records under state public records laws. This might include unpublished drafts of the stories that are eventually published, instructor comments on those drafts, notes of interviews and the names of sources, audio and video tapes of interviews and unpublished photographs and video or audio recordings. Such requests could expose student journalists to hostile publicity and expose any confidential sources and information the students obtained in the course of their reporting. For students attending a private college or university, the answer is fairly simple: The students' records are not public. State colleges and universities, however, usually are considered public bodies or public agencies that are subject to the open records laws of their states.[44] Even though the state-supported universities and colleges may be subject to public records laws, at least two legal barriers protect the confidentiality of unpublished records of student journalists.

The first of these legal barriers is the federal Family Educational and Privacy Rights Act (FERPA).[45] Part of this law requires that students and parents have access to their educational records. Another part, however, prohibits the release of educational records to third parties without the consent of the students or their parents. The relevant provision prohibits making federal money available to any educational institution that has the policy or practice of releasing educational records to any individual, agency or organization without the consent of the student or parents.[46] The law defines educational records to include any records, files or documents that

[44]Because these are all state institutions, the federal Freedom of Information Act, 5 U.S.C. §552 et seq., will not be considered in this review.

[45]20 U.S.C. §1232g.

[46]20 U.S.C. §1232g(b)(1).

contain information directly related to the student and are maintained by the educational institution or someone acting on behalf of the institution.[47] That definition would seem to include most if not all of the materials a student journalists might compile in the course of reporting a story. It would protect that information regardless of whether it was in the possession of the student[48] or the instructor. It would also protect any unpublished drafts of a story, which presumably would have the instructor's comments and criticisms and the grade assigned to the work.

A possible second barrier is the public records law of the individual state. Every state has a public or open records law. The laws vary greatly from state to state, but all contain at least a few exemptions. In some cases, the state law contains an explicit exemption for the educational records of students. The first exemption in the Nebraska Public Records law, for example, says that personal information in records regarding current, prospective or former students is exempt from disclosure.[49] Texas exempts from disclosure personally identifiable student records held by a state-supported school.[50] The provision is explicitly designed to bring Texas law into agreement with FERPA. Oregon has an exemption that would seem to apply most clearly to the work of student journalists completed as part of an academic course. The provision exempts "[w]ritings prepared by, or under the direction of, faculty of public educational institutions

[47]20 U.S.C. §1232g(a)(4)(A).

[48]To the extent the information is entirely in the possession of the student, it may well be outside the reach of any public records law. The student would not be a public agency, public body or public official. The student would simply be carrying out an assignment required for receiving academic credit for a course.

[49]Neb. Rev. Stat. § 84-712.05(1) (2010).

[50]Tex. Gov't Code Ann. §552.114 (Vernon 2004).

completed in connection with research."[51] Maryland has a similar provision, though not quite as clearly on point as Oregon's. The Maryland law exempts records of research projects carried out at state institutions.[52] Some state laws do not specifically exempt student records, but they may contain broad privacy exemptions that could apply to student records. California, for instance, says that "[p]ersonnel, medical or similar files" are exempt if they contain information the disclosure of which would constitute an unwarranted invasion of privacy.[53] Virginia also exempts scholastic records containing information about identifiable individuals.[54]

As with the federal FERPA, the state public records laws would seem to apply to many of the records students might compile in the course of reporting on a story for a school-affiliated publication. Any drafts, notes or other materials the student might share with the instructor would clearly be educational records. They are part of the work the student is required to submit in order to receive academic credit for the course. The fact that a finished, edited version of the material might later be published does not make the drafts, which contain the instructor's comments, corrections and criticisms, public records. Even if the state law does not include an exemption for student records, a general privacy exemption, like that in California, would likely apply. The comments an instructor might make on a student's story would be highly personal and confidential. The disclosure of that information would constitute an unwarranted invasion of personal privacy.

Another scenario could lead to the disclosure of some of the information student reporters might gather. This involves a situation in which a grand jury or court or legislative committee

[51]Or. Rev. Stat. §192.501(14) (2009).

[52]Md. Ann. Code. State Gov't §10-618(d) (2004 & Cumm. Supp. 2005).

[53]Cal. Gov't Code §6254© (West 2012) .

[54]Va. Code Ann. §2.2-3705.4(1) (West 2011).

subpoenaed the reporter's information in connection with an investigation into a criminal matter.[55] The U.S. Supreme Court has said there is no First Amendment right for a journalist to withhold confidential sources or information from a grand jury investigating criminal activity.[56] Nevertheless, in many jurisdictions, journalists possess a privilege to withhold confidential sources or information or both under some circumstances. Forty states and the District of Columbia have shield laws which allow reporters to withhold information. Some states have absolute shield laws; others qualify that protection. Some shield laws apply to student journalists, and others do not. In a state where a shield law does not protect student journalists, the student may be marginally more at risk than a professional reporter. Elsewhere, however, the student journalist would be in exactly the same position as the professional. Student status would probably have no effect on the outcome of any litigation over the subpoena.

Would a journalistic enterprise run by a college or university have more protection from disclosure of records and other information if it operated as a separate entity, such as a 501(c)(3) nonprofit organization? There is some reason to believe that it would add little, if any, to the protections already described above, although the answer may vary with the laws of the particular state. Just because an organization is a private entity does not mean all records it holds are exempt from disclosure under a state public records law. In 2001, the *Cincinnati Enquirer* sought records pertaining to cost overruns in the construction of a new football stadium. The city and Hamilton County had contracted with a private company to oversee the construction, and the relevant records were held by the private company. The Ohio Supreme Court said that records of

[55]Journalism students and their professor at Northwestern University involved in the investigation of cases where a person was possibly wrongly convicted have been the target of subpoenas by a prosecutor. See. David Carr and John Schwartz, "A Watchdog Professor, Now Defending Himself," *The New York Times*, June 17, 2011, p. A1.

[56]Branzburg v. Hayes, 408 U.S. 665 (1972).

private entities may be subject to the state's Open Records Law if the entity prepared the records to carry out a function ordinarily carried out by a public office, the public office was able to monitor the private entities performance, and the public office had access to the records for the purpose of monitoring the work.[57] The court held that these criteria applied to the records the *Enquirer* sought.[58] This reasoning quite probably would not apply to a journalistic enterprise run by a state university or college. Gathering, writing and publishing news is not a function ordinarily carried out by any state entity, so it would be difficult to argue that the news gathering operation was functioning as an agent of state government.

V. Conclusions

The intellectual property created by student journalists gathering news published by a university or college class belongs to the student. Students cannot be presumed to transfer their ownership of that property simply because they are receive a grade or the opportunity to have their work published. Nevertheless, both students and the school (and any private news organization that is involved) might benefit from an explicit agreement between all parties giving the school and private news organization first-time publication rights. This would clarify the relationships among the parties and give all of them an interest in protecting the intellectual property. The school or the private news organization conceivably could insist on a transfer of more, or even all, intellectual property rights in the story. Universities and colleges, however, should be mindful of the unequal bargaining position of the students and should try to protect the

[57]State ex rel. Cincinnati Enquirer v. Krings, 758 N.E.2d 1135 at 1139 (Ohio 2001).

[58]The Florida Supreme Court applied similar reasoning in Memorial Hospital-West Volusia Inc. v. News-Journal Corp., 729 So.2d 373 (1999), but the Florida Legislature changed the law to allow the withholding of the requested information. See Baker County Press, Inc. v. Baker County Medical Services, Inc., 870 So.2d 189 (Fla. App. 2004).

students' interests.

Because news stories are reporting facts and facts cannot be copyrighted, the copyright protection they enjoy is limited to the manner in which the facts are expressed. That would allow the copyright owners to sue for infringement if another organization used the students' work verbatim or nearly verbatim. The owners might also be able to sue under an unfair-competition theory, at least in some states.

The educational setting in which the student journalists are working would protect most, if not all, of their unpublished materials from disclosure under state public records laws. The materials probably would be exempt either because of the federal FERPA law or exemptions to the state public records laws or both.

Appendices

Interviews Conducted for Case Studies

Interview dates, times and locations

Seward County Independent:

2/7/12, 11 a.m., Alfred "Bud" Pagel at the College of Journalism and Mass Communications

2/9/12, 11 a.m., Clark Kolterman at Seward High School

2/9/12, 2 p.m., Stephanie Croston at Seward County Independent

2/9/12, 2 p.m., Kevin Zadina at Seward County Independent

2/9/12, 4 p.m., Sherry Schweitzer at her office in Seward County Courthouse

2/23/12, 1 p.m., Charlyne Berens in her office

2/22/12, 4 p.m., Marcia Goff by telephone

2/23/12, 3 p.m., John Bender his office

2/20/12, 2 p.m., Jack Botts at his home

Nebraska News Service:

4/6, 1:30 p.m., Gary Kebbel in his office

4/6, 11 a.m., Mary Kay Quinlan in her office

4/3, 10 a.m., Tim Anderson in his office

4/23, 2 p.m., Allen Beermann by telephone

4/14, 1:30 p.m., Kent Warneke at the downtown Lincoln Holiday Inn (conference room)

4/12, 3:30 p.m., Deborah McCaslin at the Red Onion, off the downtown Holiday Inn lobby

4/13, 5:30 p.m., Ellen Mortensen in the 27th Street Holiday Inn lobby

3/27, Anthony Roberts in his office

4/10, 3 p.m., John Weare in his office

4/13, Steve Frederick in the downtown Lincoln Holiday Inn lobby

4/11, 4 p.m., Rob Dump in the Red Onion, off the downtown lobby of the Holiday Inn

New Voices/Mosaic:

4/27, 2 p.m., Liz Heusman in small conference room at her office

4/26, 1 p.m., Dayna Krannawitter at sidewalk table at Starbuck's on 12th & P streets

4/30, 11:30 a.m., Sarah Peetz, in a conference room at her office

4/27, 3:30 p.m., Faris Pirali in a small conference room at ResCare, where he works.

About the Authors

John R. Bender is a professor in the College of Journalism and Mass Communications at the University of Nebraska–Lincoln. Bender worked for six years for the Pittsburg (Kan.) Morning Sun, starting as a reporter covering local government and politics. He became the paper's assignment editor, news editor and then managing editor. During his term as managing editor, the Morning Sun won awards for farm coverage, photography and editorial writing. Bender has taught at the college or university level for 25 years. He was an assistant professor of journalism at Culver-Stockton College in Canton, Mo., for five years, before joining the UNL faculty in 1990. His teaching and research areas include news reporting and writing, communications law, media history and controls of information. In 2011, he received the James A. Lake Award for Academic Freedom from the UNL Faculty Senate, and in 2007, he won a College Award for Distinguished Teaching. He is also a past executive director of the Nebraska High School Press Association. As an undergraduate, Bender majored in sociology at Westminster College in Fulton, Mo. He holds an M.A. in journalism from the University of Kansas and a Ph.D. in journalism from the University of Missouri at Columbia.

Charlie Litton spent six years as an award-winning sports writer in Iowa before to completing his M.A. in journalism at the University of Nebraska-Lincoln. An undergrad of Texas Christian University, he recently served a successful Carnegie-Knight fellowship at Arizona State's Walter Cronkite School of Journalism and Mass Communication. There, he joined 10 others on the News21 National team that investigated the national transportation system and co-authored a piece featured in The Washington Post. In the course of his graduate studies, Litton also worked with the ABC News on Campus program as the University of Nebraska bureau chief, and reported on the controversial TransCanada Keystone XL Pipeline for the Nebraska News Service which has a client base that counts more than 300,000 readers. For his final graduate project, Litton produced a data-driven interactive map application that explains and highlights the resources and services available to the refugee, immigrant and low-income population of Lincoln, Neb.

Mary Kay Quinlan is an associate professor in the University of Nebraska-Lincoln College of Journalism and Mass Communications where she teaches beginning and advanced reporting courses and is bureau chief of the Nebraska News Service. She also serves as executive director of the Nebraska High School Press Association. Quinlan's principle research interest is in oral history, and she is editor of the Oral History Association's thrice-yearly newsletter. She has presented oral history workshops to local, regional, national and international audiences and is co-author of *The People Who Made It Work: A Centennial Oral History of the Cushman Motor Works; The Oral History Manual* and *The American Indian Oral History Manual: Making Many Voices Heard.* Quinlan was a Washington correspondent for the Omaha World-Herald and Gannett News Service for 15 years. She was president of the National Press Club in 1986 and is a member of the Gridiron Club and Foundation of Washington, D.C. Quinlan is a Phi Beta Kappa journalism graduate of UNL and holds an M.A. in journalism and a Ph.D. in American Studies from the University of Maryland.

UNL receives $20,000 to study community news providers

As part of a $700,000 project to study community news issues raised by the FCC in its report "Information Needs of Communities," the University of Nebraska-Lincoln and the University of Texas at Austin will each receive $20,000 to study the effectiveness of journalism schools becoming community news providers.

Researchers at each university will study efforts to improve the quality and quantity of information in rural and other historically under-covered communities, particularly in Nebraska and Texas. The goal of the project is to produce a blueprint to help other universities across the country create and sustain community news operations that provide useful information to local residents.

The digital revolution has created new vehicles and opportunities for journalism, but at the same time has shattered the business models of traditional media organizations. The result, according to the FCC report, is more information than ever, but less local and state accountability reporting.

Journalism schools have sought to fill the vacuum by creating ambitious new courses and student-produced local news websites. The projects have the potential of significantly increasing the quantity and quality of watchdog journalism in under-covered communities, while at the same improving the quality of journalism education.

These ambitious efforts have mushroomed throughout the United States. Until now, however, few have been studied in depth to assess their structures and methods, the obstacles they face, the impact on their communities and the paths they may take as they evolve.

"The FCC has recognized that universities need to be an essential part of the community news environment. This is all the more true for universities in small cities and rural areas. We hope this research points the way for other universities to improve the information flow in their communities, too," said Gary Kebbel, dean of the College of Journalism and Mass Communications at the University of Nebraska-Lincoln.

"These projects are among the most innovative and promising in the journalism landscape," said Glenn Frankel, director of the School of Journalism at UT Austin. "But they face many obstacles---lack of funding, lack of sustained coverage by students and at times lack of standards to ensure excellence. They are expensive and labor-intensive, and at time there may be conflicts between pedagogical goals and journalistic ones."
Knight Foundation officials said they hoped the joint study would produce actionable steps and produce measurable improvements in local accountability journalism.

The two schools are among 12 universities convened by the Carnegie Corporation and Knight Foundation over the past five years to improve journalism education and raise the profile and contribution of journalism school deans and directors in the ongoing public debate over the future of journalism.

Texas and Nebraska will each study student journalism efforts in their respective states, then produce a joint white paper. Each university is also holding community public events featuring Steven Waldman, principle author of the FCC report, to discuss ideas for responding to the report's recommendations.

About the John S. and James L. Knight Foundation
Knight Foundation supports transformational ideas that promote quality journalism, advance media innovation, engage communities and foster the arts. We believe that democracy thrives when people and communities are informed and engaged.

http://journalism.unl.edu/cojmc/news/texas_nebraska.shtml